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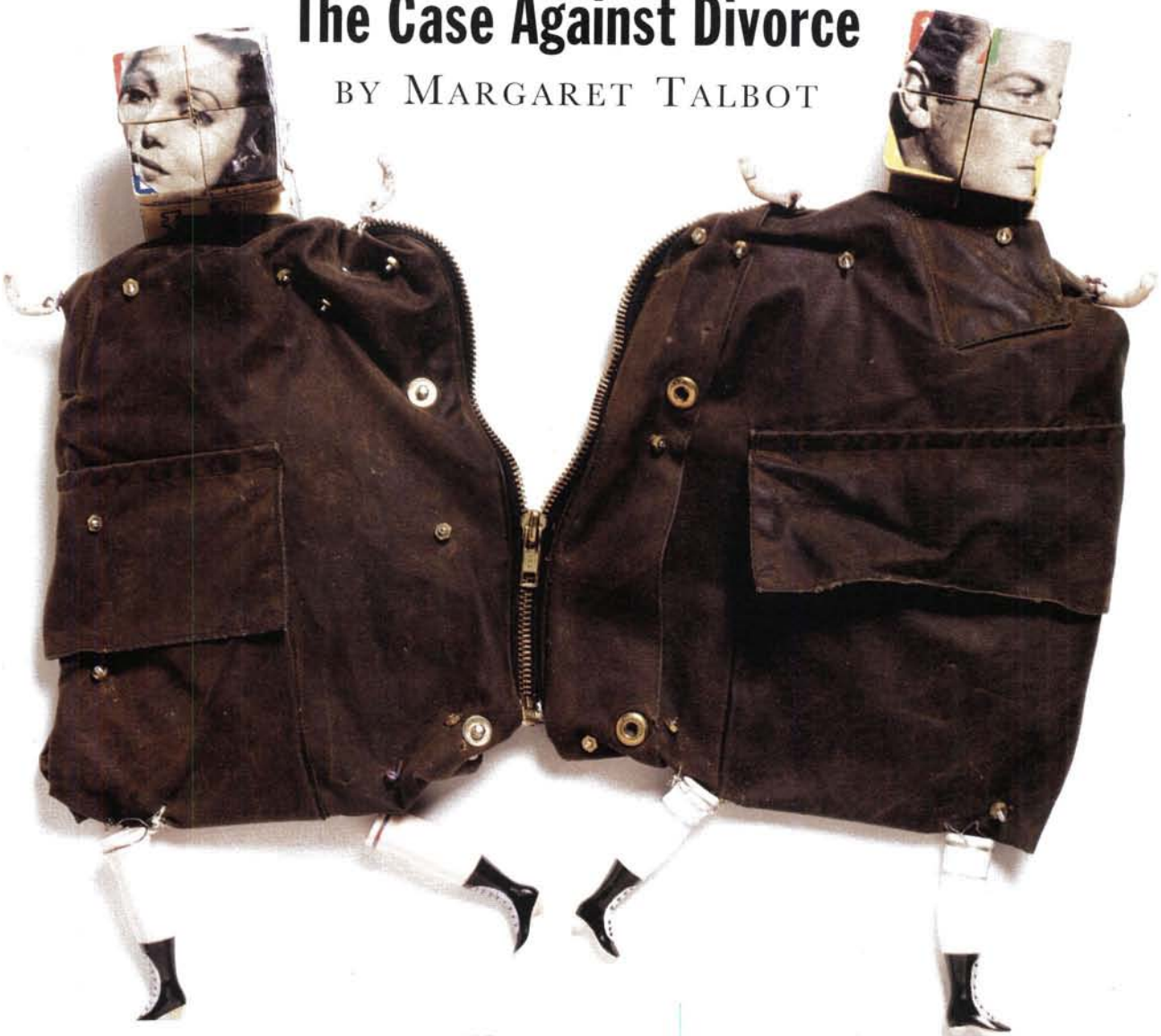

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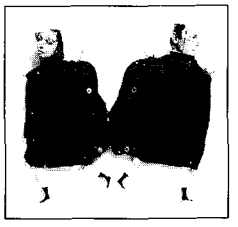

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CORRESPONDENCE

China syndrome

To the editors:

John B. Judis's "Chinatown" (March 10) manifests the increasingly common Washington tactic of ducking honest policy debate to malign an opponent's integrity. As president of the International Republican Institute, I can attest to the enormous help given by board members Brent Scowcroft and Lawrence Eagleburger in helping IRI further democracy around the world, including advancing village-level elections and legal reforms in China.

There is more than enough room for honest debate about future policy toward China. Scowcroft, Eagleburger and others believe, as they did when they earned relatively little in government, that engagement will continue to enlarge the political and economic space that has opened in China since Richard Nixon's 1972 visit and the end of the Cultural Revolution. This view was developed during a lifetime of service to country and not, as Judis claims, in a recent betrayal for a few bucks. They deserve a more considered hearing.

LORNE W. CRANER
Washington, D.C.

To the editors:

John B. Judis should be thanked for his inquiry into the mixed motives of America's elder statesmen turned businessmen. Nevertheless, two points are worth noting. First, this China lobby is in no way limited to "foreign policy luminaries." A select coterie of American academics (mainly political scientists) play the same game. While the transaction is not as lucrative, it is no less meaningful: in exchange for not commenting negatively on human rights or Hong Kong's handover, Beijing renews their visas and permits them access to vice premiers and top military brass. Without these high-level visits, these sinologists could no longer keep their elevated place in the constellation of America's China hands.

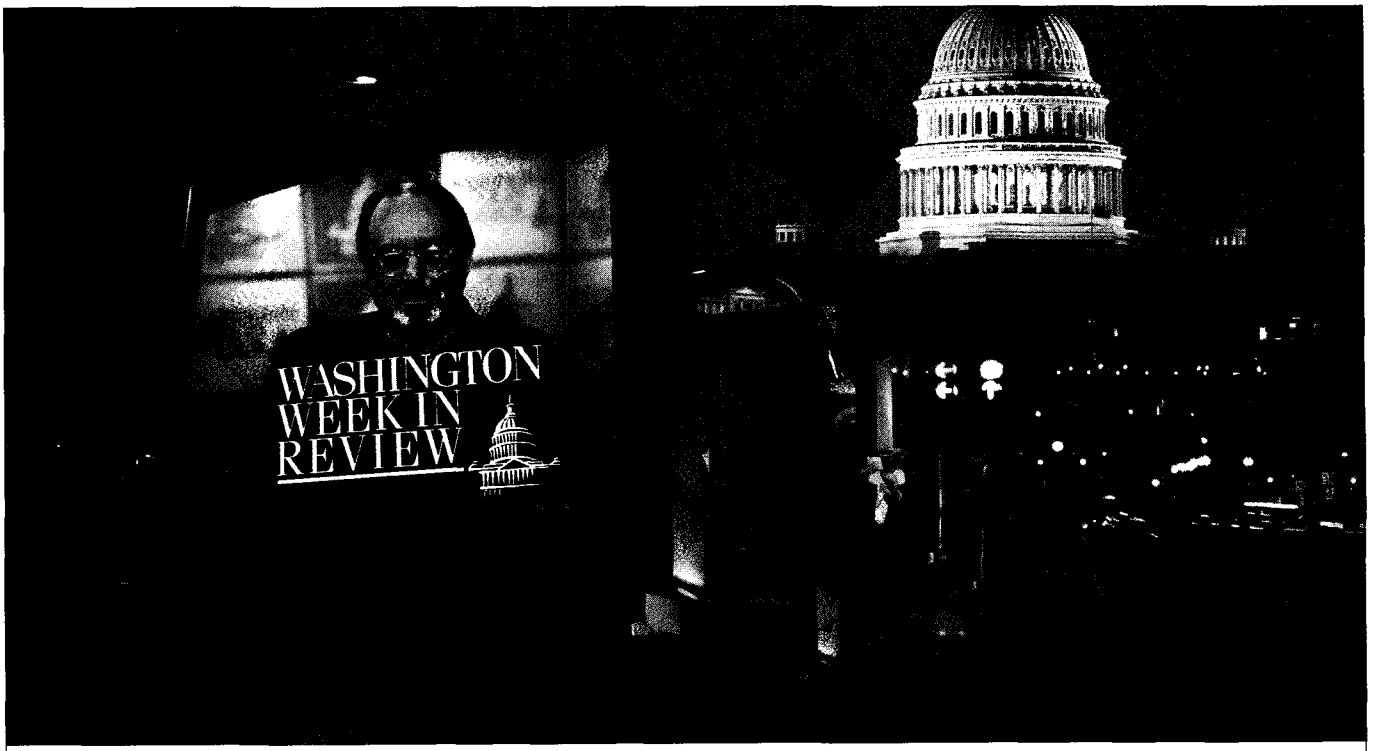
Second, the real masters of lobbying are not in Beijing; they are across the straits in Taipei. In your article, James Lilley, former U.S. ambassador to China, suggests the difficulty of finding an objective opinion from America's well-paid China lobby. But he can certainly attest to the good life offered by the Taiwan lobby. When asked, he said, "They bring me over and pay my way. They put me up in a hotel. They send over flowers and fruit—but no women—to my room. I see the people I want to see." Or take President Clinton. As governor of Arkansas, Bill Clinton visited Taiwan four times; he has still never been to China.

WILLIAM J. DOBSON
Associate Editor, Foreign Affairs
New York, New York

To the editors:

TNR's critique of the Clinton administration's China policy, "Destructive Engagement" (March 10), falsely asserts that a blind eye has been turned to our differences with China and recommends that we adopt a more adversarial approach to that nation when greater balance is possible and certainly in our interests. TNR's China issue also unfairly attacks the motives and integrity of a wide array of former senior U.S. government officials, but I will let these men and women, including my current boss, Dr. Henry Kissinger, speak for themselves.

Instead, I will limit my criticism to one particular article, John Judis's "Chinatown," since it is not only filled with inaccuracies but refers to me directly. Above all, I challenge the assertion that somehow my views on China are biased or distorted because of my current em-



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ployment at Kissinger Associates. First, during my earlier career as a journalist, I regularly wrote, edited and published articles that were extremely critical of the Chinese. I published a daily newspaper at the Asian Development Bank meeting in China in 1989, which was the only paper printed in China that covered the uprising in Tiananmen Square in an uncensored environment. After Tiananmen, I published an entire issue of my magazine, *International Development Review*, devoted to the tragedy.

I don't always agree with my boss at Kissinger Associates. I am a Democrat. He is not. Not surprisingly, given his stature, he is not threatened by these differences.

Also, the article makes the passing comment that I "supervised Deputy Assistant Secretary John Huang." The implied association to Huang and his alleged misdeeds is utterly misleading. Yes, it is true that John Huang worked in the International Trade Administration while I was deputy undersecretary and while I was acting undersecretary. However, contrary to the article's implication, Huang worked two levels below me and was directly supervised by someone else. Indeed, I opposed the hiring of Huang because of his association with Lippo. Third, documents cited in *The Washington Post* have noted that, during Huang's tenure at Commerce, he and his immediate superior, Assistant Secretary Charles Meissner, complained about their frustration at having been kept out of most Asia policy involvement by me and the others assigned to handle these matters. Fourth, on those one or two occasions that I recall Huang approached me on a policy matter, I opposed him. Fifth, when an effort was made to have Huang retained as a consultant after his departure for the DNC, I immediately rejected the request. Finally, when Huang left, I eliminated his position.

This fund-raising scandal need not be used to taint everyone who happened to be in proximity to one or more of its actors. Nor should it be used to inject unneeded emotion to public policy debates, such as that concerning the U.S.-China relationship, when the challenges inherent in that relationship demand cooler, more thoughtful analyses. Even hints of demagoguery and innuendo should be eschewed. That is certainly what past experience would have led me to expect from both TNR and John Judis.

DAVID J. ROTHKOPF
Managing Director, Kissinger Associates
Washington, D.C.

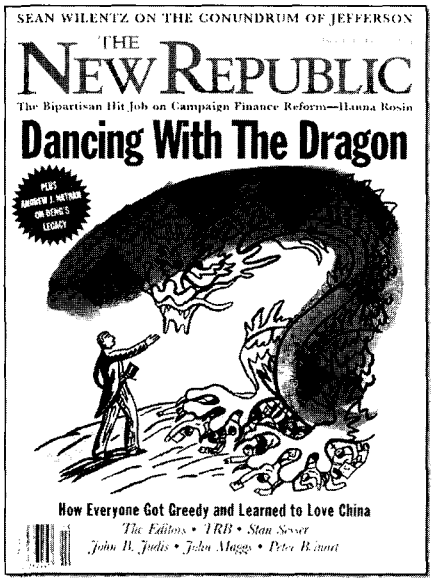
John B. Judis replies:

David Rothkopf is right to be annoyed at me for mentioning him and John Huang in the same sentence. I certainly didn't mean to imply that he had anything to do with the various machinations of which Huang has been accused. But I stand by my point about former government officials who have parlayed the prominence they achieved and the connections they made into lucrative consulting fees with firms doing business in China. These former officials, and the junior people like Rothkopf who work for them, have forfeited their reputation as disinterested spokesmen for U.S. interests.

Public affair

To the editors:

Sean Wilentz's "Life, Liberty, and the Pursuit of Thomas Jefferson" (March 10) falls neatly into the new passion for portraying our third president as the eternal


SEAN WILENTZ ON THE CONUNDRUM OF JEFFERSON
THE
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Dancing With The Dragon
How Everyone Got Greedy and Learned to Love China

enigma. Myth and reality are at odds with the old and new accounts of Jefferson's wild-eyed support of the French Revolution and his secret amour with his mulatto concubine, Sally Hemings. Wilentz has added, perhaps inadvertently, a new twist to the Jefferson legend. Jefferson's passion for Hemings was not the act of rape, or masterly coercion, nor was it a sign of moral degradation or hypocrisy. Instead, Wilentz sees the relationship as a sign of hope, a mark of Jefferson's ability to transcend his racist ideology and find true "intimacy" with a black woman. He writes: "It should fill us with cheer. Miscegenation is not always the same as subjugation."

This is a dangerous simplification. Wilentz seems to believe that only two scenarios exist: Jefferson was either a rapist or a lover. But, as most scholars know, coercion is far more complex, and there is absolutely no evidence to suggest that Jefferson loved Hemings—or, just as importantly, that Hemings loved Jefferson. The implication is that this supposed relationship should be viewed as a positive good—that Jefferson could liberate himself through his libido (he was a "vigorous man," according to Wilentz). This is a sexual fantasy rather than good history or even good social policy—an antidote, somehow, for the poison that remains in our own racially troubled times.

NANCY ISENBERG
ANDREW BURSTEIN
Cedar Falls, Iowa

Misidentification

To the editors:

I want to correct an error in Walter Laqueur's "The Power of Myth" ("Madeleine Albright and Jewish Identity," March 10). My husband Ivo Duchacek was not of Jewish origin.

HELENA KOLDA DUCHACEK
San Francisco, California

Poison pen

To the editors:

Douglas J. Feith has unintentionally given a big boost to the Chemical Weapons Convention ("Chemical Reaction," March 24). Trying to muster opposition to the treaty, he contends the CWC will harm U.S. security. But his purported evidence underscores the poverty of his claim. Articles X and XI, according to Feith, "invite" the transfer of chemical-weapons know-how from one CWC party to another. He gets this from a clause in Article XI that forbids restricting chemical trade among parties "for industrial, agricultural, research, medical, pharmaceutical or other peaceful purposes." Feith interprets this to mean the U.S. "must not restrict chemical trade with any other CWC party—even Iran and Cuba, both of which are CWC signatories." But he ignores the "peaceful purposes" requirement. The treaty's verification annex spells out monitoring, inspections and other procedures to assure that all activities conform to those purposes.

Article X calls on parties to provide other members with information concerning protection against chemical weapons. So what is Feith's objection? "A crucial element of an offensive chemical weapons capability is the means to protect one's own forces from the weapons' effects," he says. The larger, and intended, effect is to let all parties enjoy protection. This itself is a deterrent, for there is little advantage in attacking a chemically protected adversary. No treaty is foolproof. But any country seeking an offensive chemical capability would almost certainly be spotted.

LEONARD COLE
Ridgewood, New Jersey

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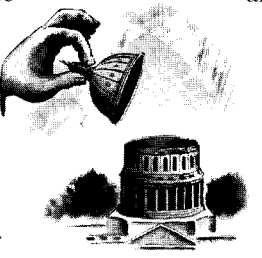
FROM WASHINGTON

A toast

On the day that the morning papers carried the stories from Beijing that Vice President Gore had lifted a glass of champagne to Premier Li Peng, the butcher of Tiananmen, a mid-level member of the Clinton administration's foreign policy team marveled at his bosses in the White House. "Is there *any* moral fiber left in these guys?" he wondered. "Does it bother them at all that Li Peng is utterly unrepentant for what he did at Tiananmen? Does it bother them that, when we talk about human rights and China we are talking about an emerging power's unwillingness to abide by fundamental norms of democracy? Just because free-market Stalinism hasn't existed before doesn't mean that it cannot exist." Then he answered his own questions. "It doesn't matter to them. It's all trade. Trade is the be-all and end-all of this administration's foreign policy. All they care about is the money."

When the vice president arrived in Beijing on March 24, he issued a statement comparing the People's Republic of China to the United States of America: "two great nations and civilizations." Here is the great nation and civilization to which America, in the person of Gore, has bowed: the last important totalitarian power on the planet, the last major citadel of communism (and not, as President Clinton asserted several weeks ago, a "former communist" power). It is ruled with ruthless authority by—as Clinton the candidate put it in 1992—"aging rulers with undisguised contempt for democracy [and] human rights." Threatened by democracy in 1989, those aging rulers responded by gunning down and running over unarmed citizens in Beijing, and by instituting a campaign to jail, to torture and to deport dissidents that continues unabated today. Those same aging rulers have already destroyed much of Hong Kong's political freedom, and will destroy the rest soon enough.



Gore's "great nation and civilization" is also the leading state exponent of religious persecution in the world today, as Freedom House's Nina Shea has documented in her book *In the Lion's Den*. Acting under Regulations 144 and 145, which were promulgated by Li Peng on January 31, 1994, and which forbid independent religious worship, Chinese police have in recent years destroyed or forced shut hundreds of Christian churches. There have been numerous credible reports of Protestant evangelicals and Roman Catholic priests arrested, beaten, tortured and killed by the authorities. In Tibet, for several years under a Beijing crackdown, there are similarly credible reports of a campaign of imprisonment and torture of Tibetan Buddhist monks and nuns.

The PRC is a regime that openly regards the United States as its chief enemy. In a meeting in 1994 of Communist Party chiefs, as Richard Bernstein and Ross H. Munro have written, the party announced its goal to establish "a global antihegemonist united front at an opportune moment." That hegemony, that's us. The main address at the party gathering was given by the People's Liberation Army chief of staff, Zhang Wannian, who declared: "Facing blatant interference by the American hegemonists in our internal affairs and their open support for the debilitating activities of hostile elements inside our country and hostile forces outside the mainland and overseas opposing and subverting our socialist system, we must reinforce the Armed Forces more intensively."

And the People's Republic of China is a government that is under investigation by the FBI for allegedly conducting a massive campaign to influence American policy toward China and Taiwan by pumping millions of dollars in illegal campaign contributions into political campaigns, including the one that won Al Gore re-election. China's attempt to subvert American policy by buying influence runs hand in hand with its ongoing and vast campaign of industrial espionage in the United States.

And here is the man to whom the vice president offered a glass in amity: "Mr. Li," said *The New York Times* in 1992, "personifies the 1989 crackdown and China's unrepentant posture since." Li Peng, the son of a Communist revolutionary who was shot to death by Nationalists in 1931, was raised by Zhou Enlai and educated in Moscow. The late sinophile writer Harrison Salisbury reported that "many Chinese" believe that Li is "inclined to the old Stalinist ways." Li was the architect

continued on page 49

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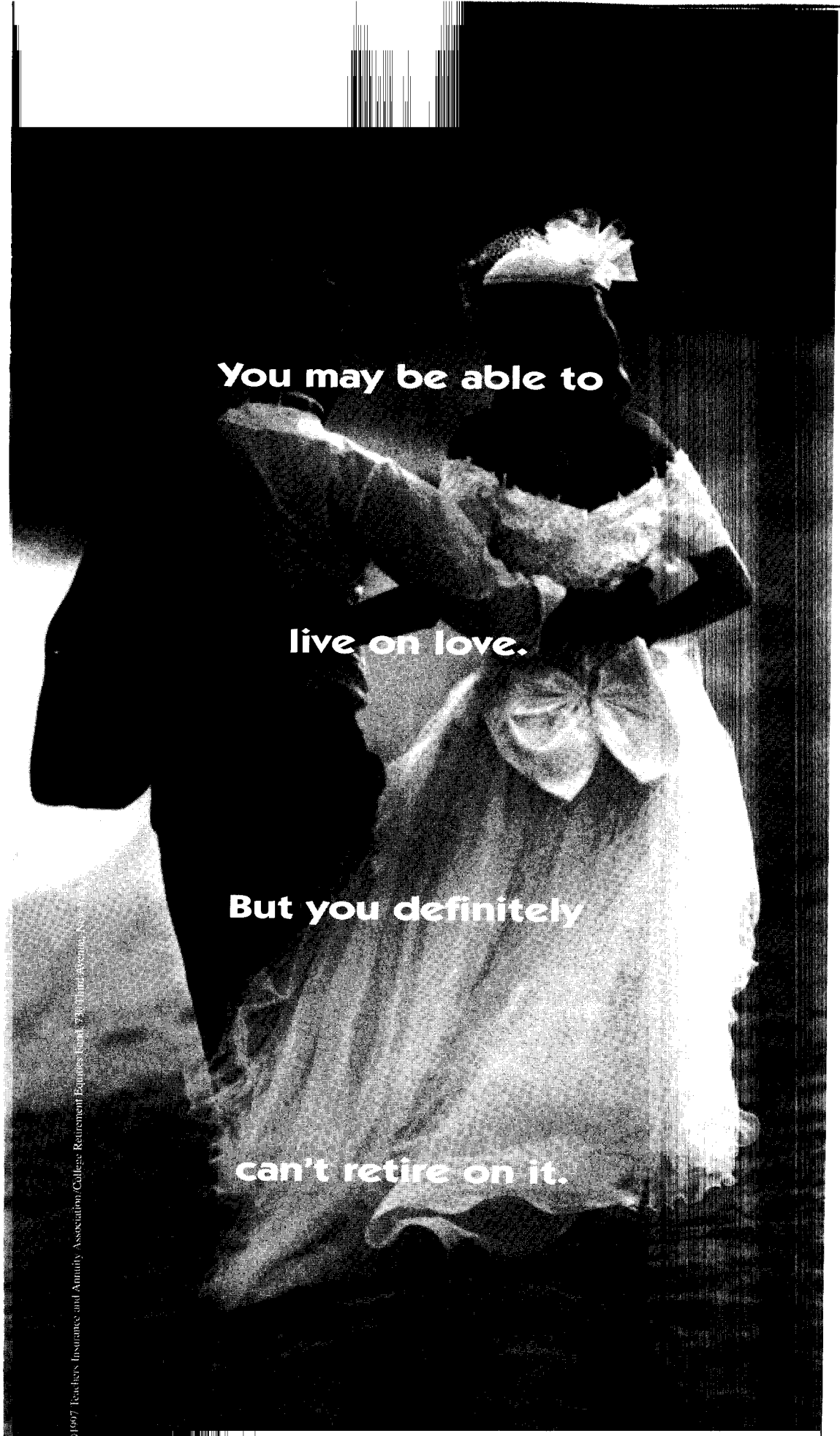

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THE NEW REPUBLIC

APRIL 14, 1997

APPLAUDING MURDER

The deepest truth about the bombing in Tel Aviv was buried in a March 21 Associated Press dispatch: in the West Bank town of Nablus, 10,000 Palestinians were attending a rally of the Hamas faithful, when Hamad Bitawi, a Hamas leader, made the announcement, "I have good news for you. There is a suicide operation in Tel Aviv." To which the crowd responded with applause and the chant "*Allahu Akbar*," or "God is Great." This, let us be clear, was an expression of mass enthusiasm for the murder of Jews. As it happens, the atrocity at the Apropo café appears not to have been a Hamas operation, but the work of a lone itinerant worker with a grudge. Nevertheless, he will take his place on the list of murderers that the zealots call "martyrs."

Let us face a fact. The zealots are a permanent feature of the Palestinian polity, and they would not disappear were the entire Israeli nation to withdraw to a slim swath of territory nervously hugging the coast. These zealots, moreover, do not have counterparts on the other side. Yes, there are in Israel and in the territories a worrisome number of Arab-hating gunmen. But there are no crowds cheering them on, there are no masses of Israelis proudly supporting their terror. The Jewish murderers are treated by other Jews as a collective disgrace. In the political culture of Palestine, by contrast, random murder is a tactic, sometimes clever and sometimes stupid, but not per se illegitimate.

Some pundits suggest, of course, that Palestinian violence is reactive, the result of Benjamin Netanyahu's decision to build additional Jewish housing in East Jerusalem. They have either forgotten or decided not to remember that this latest atrocity happened a little over a year after another Palestinian "martyr" blew up himself and thirteen others only a few streets away. Benjamin Netanyahu was not then in power. Shimon Peres was, and one charge of which he cannot be accused is insufficient sensitivity to Palestinian aspirations.

To what extent is Yasir Arafat complicit in the widespread rioting in the territories, in the current climate of violence? The early, in-the-streets Arab response to Har Homa was mild. After all, the new housing was being built on barren land among existing Jewish neighborhoods. Moreover, as a Bethlehem shopkeeper, explaining his indifference and alluding to the fact that most of the land in question has belonged to Jews for decades—some since before the establishment of Israel itself—told *The New York Times*, "the land there was sold to Jews. I have to get myself killed because someone made money on it years ago?" But such realism appears not to have been on Arafat's agenda.

We now know that, as early as January, President Clinton (and current CIA Director-designate George J. Tenet) reproached Arafat for modulating his crackdown on Hamas and Islamic Jihad. By the end of February, American officials had grown alarmed by Arafat's release from jail of what they called "really bad guys." And then Arafat set free Ibrahim Maqadmeh, the architect of last year's suicide bombings. When the Tel Aviv bomb went off last week, Maqadmeh was addressing a Gaza assembly, not unlike the one in Nablus, and extolling "the holy warriors carrying explosives on their shoulders and exploding the enemies of God." But Ethan Bronner reported in *The Boston Globe* that, even before the terrorist mastermind was released, Mahmoud Zahhar, a Hamas spokesman in Gaza, said that "in two separate meetings with Arafat his group had understood that the Palestinian leader was giving up on the peace process and 'all options are open now.' "

So here is Arafat's gambit. When he does not get his way, he allows his young men into the streets and encourages his erstwhile adversaries to unleash their bomb-bearers. He publicly denounces the use of terror, and then he uses terror in the manner of an extortionist. (Nice little peace process you got there. Pity if something should happen to it.)

It is true that the presence in Arafat's constituency of so many people made happy by terror is a big problem for him. But he has chosen alternatively to beat up on them and to bolster them, according to his reading of the Arab and American weather. It is in his self-interest to crush these people. But if he can't, or won't, Israel will. For they are killing Israelis. And, since nobody really believes that the zealots can be placated or pacified, the United States should be more respectful of Israel's views about how to keep them at bay, a little less ready to offer advice on a danger that will not go away. •

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NOTEBOOK

OFF STAGE: The embarrassing thing about musicals is not that people sing; it is that they talk *and* sing. Nothing is more excruciating than the moment of transformation between speech and song—the moment, say, when the man stops talking, puts his left leg up on a bale of straw and waits for the orchestra to begin. It is the tear in the fabric, the moment of betweenness, that is painful. Likewise the Oscars. The embarrassing thing is that people have to get from real life (a seat on the aisle) onto the stage, and then back to real life. The moment of betweenness comes at the end of the acceptance speech, when the celebrity has gone on too long and must be bullied off the stage: the hapless winner, firmly gripped by the elbow, propelled out of celebrity. It's the switch from exposure to obscurity that hurts: the moment is always more intolerable when the winner is not a celebrity at all, but a bearded engineer or animator. The fabric tears. The revelation of this year's Oscars—greater than the news that *Emma* is a *Victorian* costume drama, or that Kenneth Branagh somehow wrote *Hamlet*, or that David Helfgott cannot play the piano—is that Hollywood is inventing increasingly sly ways of getting people back into obscurity. Susan Sarandon fairly fondled a garrulous Geoffrey Rush into the wings. The cruelest trick, used several times, was to have the orchestra start playing while the winner was still speaking: thus we were spared Cuba Gooding Jr.'s yearbook. Even "the whisper in the ear" has been refined. When Saul Zaentz, accepting for *The English Patient*, started babbling about how Shakespeare plagiarized all his material from Freud—the first time that Harold Bloom's old joke has made the rounds there—Anthony Minghella suddenly materialized, like Christ on the road to Emmaus, by his side. It was time to go.

THANKING THE ACADEMY: Like bookish grad students, GOP legislators have lately taken to citing academic studies to legitimize their stonewalling on campaign finance reform. The most fashionable piece of scholarship currently making the rounds is an unpublished article by John R. Lott Jr., a University of Chicago law professor, which argues that the exorbitant size of campaign spending is directly attributable to the exorbitant size of government spending. Hence, Lott writes, "if one really wants to reduce the resources society spends on campaigns, the solution is to make the government smaller." Predictably, scores of conservatives have pounced on this escape hatch: "I've held this theory for a long time," James Glassman salivated in a March 18 *Washington Post* column on Lott's study, "but it was only last week that I discovered academic research that backs the theory up." There are, however, a few holes in the research. If Lott's less-than-convincing supposition is true, for instance, how do Republicans explain the 1996 election, which cost three times more than in 1992, even though federal spending was at its lowest levels since 1979? And then there's the question of Professor Lott himself, whose past papers have argued that wealthy criminals should not be punished as severely as poor ones, that health reports about pesticides are "scare stories" and, most recently, that allowing citizens to carry concealed handguns reduces crime. Not that we should be surprised. Conservatives have always said academia is full of radicals.

PENANCE AND INK: America's confessional culture has destroyed the genuine apology. Saying you're sorry no longer means weeks of anguish, followed by a retreat into prolonged mourning. Instead, confessions become occasions for self-congratulation, a book tour, perhaps a new job. So we have the hasty penance of Tony Blankley, Newt Gingrich's former press secretary, in his debut column in *George*. The new essayist begins with a kind of lament, more like a bold mission statement, which is to pierce "50 years of sham, puffery, guileful mendacity, and straight-faced lying by politicians, all reported on by a bogus class of mainline journalists who are often flacks for the political establishment." And Blankley's own role in all this? "Like everyone who has had enough," he writes, paraphrasing John le Carré, "I want more," and here comes the confession: "I was part of a team that tried to present conservative ideas to the American people through the terrible gauntlet of the Washington political class." Oh, so he wasn't the main flack for the king of the (briefly) reigning political establishment, as we all thought. He was on the other side. Well, sometimes Blankley tried to present conservative ideas, and sometimes he tried to present conservative fibs, and sometimes he tried to present conservative evasions, like any good flack. All in a day's work.

FUND-RAISING PIETY WATCH: When Kentucky Senator Wendell Ford announced in March that he would not seek re-election, he blew and blustered about his sickness at the state of campaign financing. "Democracy as we know it will be lost if we continue to allow government to become one bought by the highest bidder," he warned in his farewell speech. He detested the idea of having to raise $5 million for a job that only pays $133,600. Indeed, he prattled on, "The job of being a U.S. senator today has unfortunately become a job of raising money to be reelected." The man knows whereof he speaks. From 1986 to 1995, only four congressmen received more money from the tobacco industry than Ford, who took in more than $76,000 and spent most of his Senate years fighting anti-smoking legislation. In 1992, PACs gave Ford a larger share of his campaign money than any other senator up for re-election. All told, Mr. Clean raised 56 percent of his funds from special interests and outspent his Republican challenger eight times over. When a questioner asked him whether he just wasn't up for the challenge of drumming up campaign contributions again, Ford snapped back, "You know and I know I can raise $5 million." Yes, we do. •

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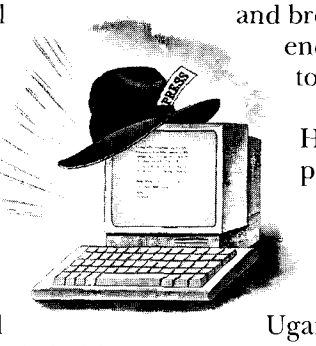
KINSHASA DISPATCH

ZAIRE CRASHES

By Howard W. French

There are many countries where the airport is an unreliable indicator of what lies beyond. Zaire is not one of them. At the dark and cavernous Ndjili Airport, commercial jets from Europe park shoulder to shoulder with battered Russian cargo planes—the preferred means of transport for the international arms dealers who are fueling the government's collapsing war effort. There are also dozens of unmarked Zairian jets, used for diamond and drug trafficking, and a bevy of sleek small planes ready to zip Zaire's kleptocratic elite out of the country in time to beat the government's fall, expected any time now. These are the last days of Mobutu Sese Seko, the brutal central African Machiavelli who has ruled this country for thirty-one years. And his regime is dying as it lived: corrupt to the end.



The death knell began sounding two weeks ago, when rebel leader Laurent Kabila's Alliance of Democratic Forces for the Liberation of the Congo took Kisangani, Zaire's third largest city. Kisangani's fall is the culmination of a rebellion that began last October, when Mobutu threatened Zaire's small Tutsi minority with expulsion. That threat, coupled with Kinshasa's arms sales to the Hutu refugees who menaced the Tutsi government of Rwanda, spawned a Rwandan-backed insurgency in eastern Zaire. Over the past six months, the insurrection has rapidly gained territory and support. Today, the rebels hold one-third of Zaire, and many here believe they could take the capital by summer.

Mobutu's demise marks the end of the grand authoritarian style in African politics. During his three decades in power, Joseph-Désiré Mobutu, who changed his name in 1971 to Mobutu Sese Seko Kuku Ngbendu wa za Banga ("the all-powerful warrior who, because of his endurance and inflexible will to win, will go from conquest to conquest leaving fire in his wake") ruled Zaire absolutely. He endlessly shuffled generals and ministers to keep power concentrated in his own hands and treated the country's finances as a personal bank account, squirreling off billions while his people grew ever more destitute. Even before Kabila's rebellion, Africa's general shift toward multi-party elections and modest, technocratic governments made Mobutu's pretensions look increasingly pathetic. "Mobutu used to consider himself a colleague of the gods," said Kabanga Babadi, leader of one of the many opposition parties that have chipped away at Mobutu's power. "We have ended that."

The end of the Mobutu dictatorship may also symbolize the end of an era in which Western troops and governments decide the fate of African leaders. From the beginning of his rule, Mobutu hired platoons of foreign mercenaries—Belgians, French, Rhodesians, Englishmen—to settle regional uprisings and localized conflicts. But, when Mobutu's current hired guns (many of them Serbs) came face to face in Kisangani with Kabila's capable, disciplined guerrillas and their battle-hardened Rwandan and Ugandan officers, they fled, puncturing the myth of European military invincibility. In fact, the routing of Kisangani's mercenary defenders began even before the rebels arrived, when the government's own troops, resentful of the mercenaries' special privileges, opened fire on their European commanders.

The last several months have demonstrated the limits of another kind of foreign intervention as well. During the cold war, Mobutu was largely a creature of Washington, valued because he kept his huge country from falling under Soviet influence and because he backed anti-Communist rebels in neighboring Angola. In his waning years, however, Mobutu's principal, and often sole, backer has been Paris, for whom the strengthening of La Francophonie—a project meant to perpetuate and broaden France's cultural and political influence—has become as blinding as Washington's worst cold war obsessions.

France, which watched a francophone Hutu government fall to a largely anglophone Tutsi one in Rwanda in 1994 (and supported the Hutu regime despite its genocidal behavior), fears it will witness the same thing in Zaire. But France's efforts against Kabila's Rwandan- and Ugandan-backed rebels—from a failed attempt to organize an international intervention force to public statements by Jacques Chirac calling Mobutu the key to solving Zaire's crisis—are proving wildly counterproductive. Not just Kabila, but even the civilian opposition to Mobutu in Kinshasa has become radically anti-French in recent months. "They are preventing our people from enjoying democracy," Mputu Dibwe, a leader of the main opposition party, the Democratic Union for Social Progress, said recently. "We are going to inventory their [French] interests here and liquidate them."

So, among the many things to wash away with Mobutu's regime may be French pretensions to continental dominance. France has long sought to supplant Belgium, Zaire's former colonial power, as a force in central Africa. Today, however, it is Belgium and the United States that seem to be drawing the correct lessons from Mobutu's demise. Belgian Foreign Minister Erik Derycke, speaking this week of Mobutu's imminent end, suggested that it closed the book on the days when outside powers decided the fate of African countries. "Zaire's colonial and neo-colonial period," he said simply, "is over."

HOWARD W. FRENCH is the West Africa correspondent for *The New York Times*.

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Clinton ducks the trade deficit.

Out of commission

By John B. Judis

When, after the 1994 election, President Clinton began rounding up congressional support for the treaty establishing a World Trade Organization, he had reason to fear failure. Many congressional Democrats worried that the WTO would undercut American efforts to reduce the country's growing trade deficits with Japan, China and other Asian countries. So, Clinton made a deal with New Mexico Senator Jeff Bingaman: in exchange for Bingaman's support, Clinton would appoint an independent, nonpartisan commission to study the problem. Two years later, the commission has now finished its report and is expected to release it publicly in mid-April.

The Bingaman solution reflected a time-honored American tradition for addressing complex, thorny problems that elude politicians' parochial interests: appoint a bipartisan group of disinterested experts and let them try to solve it. The strategy has been used effectively by, among others, the Reagan administration. But Clinton ended up treating the commission the same way he treated the Lincoln Bedroom—as simply a means of rewarding supporters and advancing his own agenda. The result: the commission's report, of which I've obtained an advance copy, is worthless. It serves not as a serious study of trade policy options but as a case study in the misuse of presidential power.

The trouble traces back to the commission's inception. Bingaman had presented the administration with a list of possible commissioners that included prominent business leaders and academics who, like former Hewlett-Packard CEO John Young, had not merely a practical but a theoretical grasp of what was causing trade deficits with Asia. But the White House continually stymied Bingaman and other Capitol Hill officials. "I went over the list of appointees with the White House," said one top aide. "They were going down and saying who the friendlies were and who had paid the most, and I was trying to get substantive people." The White House did accept several of Bingaman's recommendations, but the committee as a whole reflected Clinton's penchant for mixing politics with perks.

Instead of someone like Young, the administration appointed as chairman Kenneth Brody, a former Goldman, Sachs banker who had raised money for Clinton in 1992 and had already been rewarded by the White House with the chairmanship of the Export-Import Bank. Clinton also nominated a number of Democratic fund-raisers and donors, including Charles Yah Lin "Charlie" Trie, who had wangled a White House visit for Chinese arms dealer Wang Jun and had raised $600,000 for Clinton's legal defense fund at a Buddhist temple. The White House also named prominent political backers, from former Orange County official Harriett M. Wieder, an outspoken Republican for Clinton, to Ko-Yung Tung, an influential Chinese-American backer in New York.

The commission's mandate, as spelled out in the executive order establishing it, was to open markets in Asia so that "by the turn of the century . . . a maximum number of high wage jobs are created and maintained in the United States." But the commission's appointees reflect the administration's emphasis on a different and sometimes contrary goal: facilitating foreign investment for American companies in Asia. Of the commission's seventeen appointees, only two were businessmen who had created high-wage jobs through exports. The largest group were bankers, lawyers and other deal-makers—people whose normal line of work was more in the line of increasing the U.S. trade deficit.

Some of the appointees appeared to suffer from a clear conflict of interest. Ko-Yung Tung is described in the report as the "chairman of the Global Practices Group" for O'Melveny & Myers, Warren Christopher's law firm, and a representative of "multinational clients." More to the point, he represents Japan's most powerful firms, including the Kajima Corporation, the world's largest construction company; Dai-ichi Mutual Life Insurance Company, Japan's second-largest insurance company; and Mitsubishi Trust & Banking Corporation. Most recently, Tung has been expanding O'Melveny & Myers's practice into Hong Kong.

Then there is Jackson Tai, whom the commission's report identifies as "J.P. Morgan & Co. Incorporated's senior officer for its business in the Western United States." In fact, Tai has been Morgan's leader in promoting investment in, rather than trade with, China. "Foreign capital seeks growth, and nowhere is this growth more apparent or attractive than in China," Tai declared at a conference in Beijing in 1995.

Ko-Yung Tung and Jackson Tai are capable and distinguished men. So are two other commission members, Robert Wilson, Citibank's man in South Korea, and Lawrence M. Johnson, CEO of Bancorp Hawaii Inc., which has affiliates in Taiwan, Tokyo, Hong Kong, Singapore and Seoul. But they don't seem like the best choices for a commission aimed at devising policies that could be very unpopular with Asian governments and companies.

Clinton was also selective with the policy experts he appointed. The White House, for instance, turned down the independent-minded University of California professor Chalmers Johnson, but accepted Clyde Prestowitz, the president of the Economic Strategy Institute, who had publicly backed the administration on NAFTA and GATT. And it countered Prestowitz's concern with the trade deficit by adding Robert Z. Lawrence, a Kennedy School economist who was recently appointed to a Brookings Institution position endowed by Toyota.

Just to make sure that the commission didn't stray,

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the administration took the report itself out of the commission's hands. It was written by trade and commerce officials and subjected to an interagency review. The result was a predictable mush that supports administration policy. Here are some of the lowlights:

• Bingaman had asked for a commission that would address the "widening trade deficit" with Asia, but in one reading I could not even find the term "trade deficit" in the commission's report or recommendations—a reflection of the White House's unconcern with the trade deficit.

• While the commission was supposed to devise ways to increase high-wage jobs in the U.S., the report gives equal, if not greater, weight to removing obstacles for U.S. investments in Asia. Much of these investments have involved the export of high-wage jobs from the U.S. The report makes the assumption—certainly questionable in Asia's case—that "trade follows investment."

• Its major recommendations mirror Clinton's trade agenda: support for "China's accession to the World Trade Organization," the abandonment of specific market-opening agreements with Japan in favor of a nebulous "Comprehensive Marketing Agreement," and the granting of "unconditional fast track authority" for four years to negotiate trade agreements. The inclusion of fast track was particularly telling since if the administration applies it, it will be to Chile and the Caribbean, not East Asia. Said one supporter of Bingaman's original resolution, "What blew me away was the call for fast track. What did that have to do with the trade deficit with China or Japan?"

On Capitol Hill, and in the press, the report will likely be largely ignored. Yet it is a small, but significant, case of how the Clinton White House, desperate for re-election and unwilling to countenance dissent over an important issue, has debased the currency of public policy. •

The Gore-Gephardt minuet.

TRADING PLACES

By John Maggs

The race for the 2000 Democratic presidential nomination began quietly on February 18 in Los Angeles, behind closed doors at the winter meeting of the AFL-CIO's executive council. The first guest of honor, Vice President Al Gore, marched into the meeting, read a speech, answered a few polite questions, then hurried out. By contrast, the other guest of honor, House Minority Leader Dick Gephardt, was welcomed into a room full of old friends. He roamed about with a wireless microphone, touting labor's agenda and basking in applause. After his speech, the council adopted a resolution condemning the Clinton-Gore administration's trade policy for everything from embracing the North American Free Trade Agreement to appeasing China.

The vice president apparently got the message: since the Los Angeles meeting, the Clinton administration has slowed its push for a Western Hemisphere free trade pact. Bashing U.S. trade policy has long been a Gephardt trademark, and it is already spooking a White House worried as much about Gore's future as about Clinton's place in history. Through January, Clinton was still promising GOP leaders he would back off his election-year rhetoric about incorporating labor rights into any new trade pact. Now, in deference to Gore, that flexibility is gone. "The White House, for some reason, is again politicizing this issue, and Republicans are really pissed," said Michael Smith, a former GOP-appointed deputy trade representative. "I think [new trade talks] are dead for now."

Gephardt, the unrepentant liberal, took home his own message from Los Angeles: class warfare politics can still work, especially when linked to deepening public concern about China's human rights violations and possible meddling in U.S. elections. And, while Gephardt remains a heavy underdog for the 2000 nomination, the White House fund-raising scandal has finally made Gore appear vulnerable. Hoping to exploit this weakness, Gephardt has found a new way to drive a wedge between liberal Democrats and the White House. Last month, the House minority leader introduced a bill to give Congress a veto over China's entry into the World Trade Organization. The bill, the principles of which labor endorsed at its meeting, ingeniously appeals both to economic nationalists, worried about Chinese trade competition, and crusading internationalists, concerned about China's human rights record.

The administration's opposition to Gephardt's bill pushes Gore rightward, where Democratic primaries are often lost. Meanwhile, Gephardt is reviving his old-fashioned democratic populism in other ways as well. He condemned the recent White House attempt to revamp the consumer price index as "unacceptable" and promised to "oppose any effort to place this decision into a politically brokered budget agreement." His opposition is itself nakedly political—an effort to spread fear among the elderly that the White House and, by extension Gore, is willing to slash Social Security.

At the Los Angeles meeting, Gephardt won an unexpected victory. White House officials had expected that labor would avoid making trade a top priority in 1997; only a few months earlier, AFL-CIO President John Sweeney had privately complained that the organization had wasted resources fighting NAFTA that should have been spent on electing sympathetic Democrats. But, in Los Angeles, the AFL-CIO's executive council went on the offensive and denounced any NAFTA expansion in the absence of higher wages and labor standards abroad.

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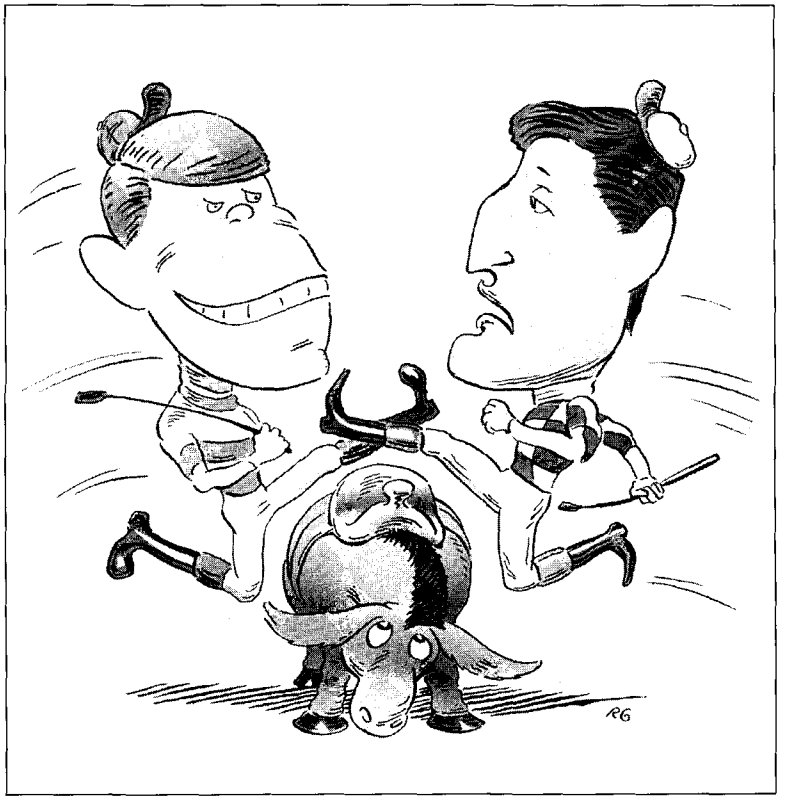
Concern about labor's political influence has pushed the vice president to alter his public position on free trade over the past several years. As former White House aide Richard Feinberg recounts in a forthcoming book, Gore played a decisive role in pushing Clinton to advance the idea of a hemispheric trade pact in 1994. This advocacy stemmed from Gore's long-standing faith in global initiatives like the Earth Summit. Yet, by 1995, Gore was derailing the very initiative he had pushed. Present and former White House officials say Gore, worried that NAFTA remained politically unpopular, convinced Clinton that any new trade negotiations would threaten their re-election. Policy advisers urged movement on a free trade deal with Latin America, but the vice president was adamant about killing the negotiations, according to one official involved. "Clearly [Gore's] instincts are to support trade," another official noted. "But he's a politician, and I think he decided there was no harm in slowing things down a bit."

Gore's partner in this was, of all people, the man hired to promote free trade, fellow Tennessee native Mickey Kantor. As U.S. trade representative, Kantor became convinced that expanded free trade would drive away labor and damage Clinton's 1996 election prospects. "Gore and Mickey were a team," said one former Clinton appointee. "There was a meeting of minds."



DRAWING BY ROBERT GROSSMAN FOR THE NEW REPUBLIC

With Gore's support, Kantor insisted on coupling new trade pacts with additional labor and environmental regulations, which he knew Republican free traders and business leaders would never support. These demands produced a hopeless stalemate, and Congress refused to renew Clinton's "fast track" authority to implement sweeping trade pacts without legislative amendments. Without fast track authority, NAFTA can't be expanded. Tired of waiting for the United States, South America's largest economies have moved ahead with their own free trade agreement, Mercosur, which has overtaken NAFTA as the model for hemispheric free trade. It is impossible to fully assess the loss of fast track authority because it amounts to lost opportunities to influence governments eager for trade with the United States. "It's a very powerful lever," said Lawrence Eagleburger, secretary of state under George Bush. "I can't understand why a president would ever choose to do without it."

Some U.S. supporters of free trade believe Clinton will step in and lead a fight for new fast track authority. They also dismiss Gephardt's effort to rally liberal opposition to Clinton's trade policy, saying protectionism will only backfire politically. "[Protectionism] was a loser for Perot. It was a loser for Buchanan, and it was a loser for Gephardt himself in 1988," said Fred Bergsten, a former Treasury official who sometimes advises Clinton on trade.

But some things have changed since 1988. Post-NAFTA, the American public is more aware of free trade as an issue, and polls show a majority believe trade destroys more jobs than it creates. More importantly, Gephardt's message has grown more sophisticated since 1988. He now calls for a European Union-style approach to economic integration, with huge transfer payments to help other countries raise wages and living standards. "It's a different world now," he said recently. "Trade is inevitable. All we can do is make sure it takes place fairly."

And perhaps Gephardt's most potent idea is that, in order to protect U.S. interests, Congress needs a veto over trade policy. That's the implication of both his bill on China's entry into the WTO and his attack on the president's fast track negotiating authority on NAFTA expansion. "Delegating trade authority should not be an abdication of the important role that Congress has in this matter," he warns his colleagues, citing Article One, Section Eight of the Constitution. With more isolationist Republicans now opposed to trade, Gephardt may be able to create a broader coalition against Clinton and help drain Democratic support for Clinton's anointed successor. That's what's on the minds of White House officials as they weigh further delay in pursuing what was once Clinton's primary policy achievement: free trade.

JOHN MAGGS writes on international business and economics for *The Journal of Commerce.*

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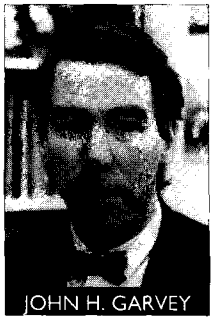
JOHN H. GARVEY

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JOHN H. GARVEY

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The ambassador is out.

DIP-LOCK

By Susan Ellingwood

Timing is everything, and, at any other time in the Clinton administration, Felix Rohatyn would have been a sure bet to replace Pamela Harriman as the American ambassador to France. Rohatyn, a Polish-born investment banker from New York City, is a respected elder of the Democratic Party, a man of large abilities—he designed and implemented the financial rescue of New York in the 1970s—and, above all, a benefactor to the president; he donated $362,500 in soft money to the Democratic Party in 1995 and 1996. Ordinarily, Rohatyn's election-year largesse, combined with his stature and long years of party service, would have guaranteed him the Paris posting. After all, the appointment, one of the great plums of diplomacy, traditionally goes to someone whom the president owes a favor, usually financial in nature.

This year, things are different. Under sustained fire for its fund-raising practices, the White House is reluctant to put forward to the press and to the Republican Congress any nomination that may be characterized as a fat cat's reward. Rohatyn's willingness to give in the generous fashion expected of would-be ambassadors may actually cost him the post he covets. As of mid-March, the betting in foreign policy circles was that President Clinton would instead sign off on Frank Wisner, a well-respected career Foreign Service officer most recently assigned to the post of ambassador to India, who insiders say is widely believed to be Secretary of State Madeleine Albright's choice for Paris.

The Rohatyn case is emblematic of an acute problem. The United States has reached a condition of near-paralysis in an essential function of government, the appointment of ambassadors. The ambassadorial drought spans the globe. In the capitals of some of its most important allies, the United States is no longer represented at the ambassadorial level. Ottawa has been empty for almost a year; Bonn has been vacant for almost ten months, Moscow for almost five, Tokyo for almost three and Paris for almost two. All in all, as of March 25, there were fifteen posts vacant, including Argentina, Guyana, Korea and the U.S. Mission to the European Office of the United Nations. The ambassadorships to India, Austria and Great Britain are likely to open up this summer. Furthermore, the likelihood of any of the posts being filled in the near future is dismal. While names have been rumored for some of these posts, the president has yet to make his choices, much less send them to the Senate for confirmation.

And when Clinton's choices do arrive in Congress, they will wait. Traditionally, ambassadors are at the bottom of the nomination heap; with a new secretary of state yet to appoint many of her undersecretaries and her assistant secretaries, the fulfillment of outstanding ambassadorial posts lies at least months away. And, with the White House insistent on micromanaging top jobs to fulfill criteria of race and sex, it could take as long as a year. Known for surrounding herself with talented young men, Albright's initial picks for undersecretaries and assistant secretaries were reportedly questioned for consisting predominantly of white Jewish men.

Finally, there is the matter of Jesse Helms, chairman of the Senate Foreign Relations Committee and the nomination process's king of obstruction. Until recently, the 75-year-old North Carolina Republican had made it known that he had no intentions of even looking at new ambassadorial nominations unless he got the laundry list of changes he wanted in the Chemical Weapons Convention or, say, the reorganization of the State Department.

What has gone wrong with America's nominating process? Several things. The first and the most important is that the Clinton administration appears to have junked the standing procedures for ambassadorial nominations in favor of one that would allow the president greater personal control and the ability to reward a higher percentage of postings to his financial supporters. The old system, created during the reform-minded Carter administration, was intended to ensure that highly qualified political nominees were chosen. Under the Carter system, a panel of nonpolitical experts monitored the qualifications of career professionals and reviewed political appointees to decide whether an individual was qualified. Carter gave the panel unusual authority—to the point of empowering it to recruit individuals for nomination. After his perusal, Carter forwarded the nominations to Capitol Hill.

The Reagan and Bush administrations refined the process, establishing in the State Department a high-level review and vetting group called the Deputy Secretary's Committee, or D Committee. The D Committee included, among others, the deputy secretary, the undersecretary for management and the director general of the Foreign Service. This group, according to Ronald Spiers, the undersecretary for management from 1983 to 1989, would "meet once or twice a month, depending on the number of vacancies, and consider career candidates, and their records and experience," and give their recommendations to the secretary of state. The secretary would then forward the nominations to the president's chief of staff and the White House official in charge of personnel, who together would allot posts, parceling them out between career Foreign Service officers and political appointees.

Clinton used the D Committee system for the first years of his first term, but the committee appears to

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have gradually fallen into disuse, as the White House has exerted increasing control over the appointment process. Instead, the president seems to rely on an ad hoc procedure that essentially, and increasingly, leaves decisions to the president himself. State Department and congressional sources say it is routine for nominations to sit on the president's desk for months.

One reason for the increase in delay is a bureaucratic version of queuing theory: small delays lead to larger delays the further you go down the line. By tradition, most ambassadors serve in a post for three years. Because of Clinton's initial slow start in making nominations, many of his first-term appointments came due for replacement in 1996, when the president was in the middle of a re-election campaign. Rather than chance negative press with a controversial nomination, the White House sat on new nominations until after Election Day. This has meant a growing backlog of empty posts and posts soon to become empty.

The larger reason, however, that so many ambassadorial posts have been left vacant is Clinton's hesitancy in drawing any more attention to his dubious fund-raising tactics. Generally speaking, ambassadorial appointments break down about seventy-thirty between career civil service and political rewards. Some administrations offer fewer political slots—Carter's ranged from 22 to 25 percent. Political rewards in the Clinton administration have tended to run on the high side. As of December 31, 1996, 67 percent of all ambassadorial posts were held by career Foreign Service officers, and 33 percent by political appointees. Many of the political appointees have given heavily to the Democratic Party. According to *The Philadelphia Inquirer*, "Four [current ambassadors] gave more than $100,000 each to Democratic campaign funds over the last six years." Others gave only slightly less: the current U.S. ambassador to the Netherlands gave $90,000, the ambassador to Hungary $79,000.

Undoubtedly, many of the fifteen vacant posts are also earmarked for political contributors. But, in the current scandal-ridden climate, the administration fears that any attempt to fill those seats according to tradition would generate a rash of congressional and media scrutiny. Indeed, all the White House needs is another Larry Lawrence. Lawrence, the wealthy owner of the Hotel del Coronado near San Diego, California, who died last year, had contributed about $80,000 to Democratic candidates since 1989, and his company, Coronado Properties, Ltd., gave $75,000 to the Democratic National Committee from 1992 to 1993. When Clinton nominated Lawrence as ambassador to Switzerland in 1993, the American Foreign Service Association and several other Foreign Service groups denounced the nominee as unfit and unqualified. This attracted little attention in 1993; in today's climate, a similar event would probably make the front page. And making the front page by accident is the last thing the Clinton administration wants these days. •

The real fund-raising scandal.

BLANK CHECK

By Edward Roeder

Forget White House coffees for Chinese arms dealers and convicted embezzlers; forget the vice president's phone solicitation. The real scandal in fund-raising is larger, bipartisan and more obviously illegal. Both the national parties, all presidential candidates and most congressional candidates now routinely flout campaign finance law. And the supposed enforcer of that law, the Federal Election Commission, does nothing about it.

At the core of the campaign finance reform laws enacted in the aftermath of Watergate was a requirement that campaigns report to the FEC the full names, occupations and businesses of their contributors. This elementary disclosure gives the government and the public at least some chance to spot the business interests behind large contributions and to catch attempts to skirt contribution limits by bundling donations intended to buy influence. The effort to hide the business interests behind large contributions lies at the heart of the Clinton fund-raising scandals. And it is a clear violation of federal election law.

It has also become commonplace in American politics. Last year, all three Republican national party committees, the big GOP presidential campaigns and Republicans running for Congress did it thousands of times, raising millions of unaccounted-for dollars dur-

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ing the 1996 campaign. Their Democratic counterparts did it, too, though less often.

The FEC's rules are unambiguous. They require that: "All written solicitations for contributions ... include the following statement: 'Federal law requires political committees to report the name, mailing address, occupation and name of employer for each individual whose contributions aggregate in excess of $200 in a calendar year.'"

Yet the FEC, a captive of the industry it oversees, has established procedures regulating—in effect, legalizing through lax enforcement and fuzzy rules—the violations it was established to prevent. Instead of enforcing the law requiring recipients to disclose funding sources, the partisan Republicans and Democrats at the FEC allow a rigmarole whereby campaigns send donors a junk-mail request to identify themselves, then report that they have made the "best efforts" to report the information. If the FEC had been established to stop child abuse, it would have by now issued regulations providing for the fondling of children.

As those investigating last year's fundraising irregularities are about to discover, the present disclosure system is more holes than net. Simon Fireman, former finance vice chairman to the Dole campaign, was fined $6 million last October and sentenced to six months' confinement for falsely reporting at least $69,000 in $1,000 gifts he attributed to employees of his New England manufacturing firm, Aqua-Leisure Industries, Inc., and their relatives. In fact, Fireman had funneled the money through his Hong Kong business. The FEC didn't even notice Fireman's stunt. It was disclosed and brought to the attention of Justice Department prosecutors by the work of Joe Stephens, a sharp-eyed investigative reporter for *The Kansas City Star*, which had caught Dole's campaign doing the same thing in 1988.

Democratic fund-raisers John Huang, Charles Yah Lin "Charlie" Trie and others face Justice Department inquiries into allegations that the Democratic National Committee unlawfully raised money from foreign interests and falsely listed the sources of gifts. The contributions were not flagged by the FEC either, but again were spotted by reporters and by the FBI in its investigation into alleged efforts by the People's Republic of China to influence American political parties and government policies.

Neither Fireman nor Democratic fund-raisers would have dared to mix mendacity with their mendicity if the FEC's disclosure system worked. Pumping questionable money into the system was easy, because Dole's campaign and DNC officials didn't ask the questions they should have. And they didn't ask because they knew the FEC wasn't enforcing the disclosure law.

The scale of the violations is vast. A computer analysis of the FEC's database shows that the National Republican Congressional Committee, the House campaign arm of the GOP, failed to disclose any first name, or even a first initial, for some 764 big donors in the 1995-96 election cycle, who gave a total of more than $224,000. For example, the NRCC attributed five large gifts from five states to donors identified only as "Mr. Smith," with no occupation or place of business listed for any of them. The NRCC reported 48,693 contributions of more than $200 between January 1995 and November 1996. For more than *two-thirds* of the gifts, totaling $11.2 million, the NRCC simply ignored the law and listed nothing for the donors' occupation or place of business. The GOP's Senate arm, the National Republican Senatorial Committee, kept secret the interests of more than 3,000 fat cats who gave $2.3 million in chunks of over $200. Of the six major party arms, only the Democratic House and Senate campaign committees violated the disclosure law on business interests fewer than 1,000 times.

The DNC reported no first name or initial for 122 donors who gave in aggregate $133,000 and failed to disclose anything about the interests of nearly 6,000 big donors who gave a total of $11.6 million. The Republican National Committee disclosed nothing about the occupation or place of business for more than 8,700 big donors from whom it extracted more than $6.6 million.

The GOP's "best efforts" were apparently insufficient for Republican committees to identify any occupation or business for donor Pat Boone of zip code 90210, though his occupation was listed as "entertainer" in reports filed by North Carolina's Senator Jesse Helms and as "Pat Boone Enterprises" in others. Democrats would have you believe they couldn't find out the occupations of entertainers Bonnie Raitt, Geena Davis, Dennis Miller and Michael Douglas, and movie-makers Rob Reiner and Steven Spielberg.

The big presidential campaigns also scoffed at the disclosure law. Bob Dole's campaign chest was swelled by $5.6 million from more than 6,700 donors whose

Failure to Disclose Business & Occupation

1995-96 Party Gifts Over $200

Total Number	No Occup/ Business	Pct.	Total Amount of $$	No Occup/ Business	Pct.
National Republican Congressional Committee:					
48,693	32,925	67.62	$19,440,924	$11,217,988	57.70
Republican National Committee:					
44,805	8,726	19.48	$34,531,561	$6,627,203	19.19
Democratic National Committee:					
19,822	5,958	30.06	$33,057,157	$11,605,822	35.11
National Republican Senatorial Committee:					
19,732	3,033	15.37	$15,411,359	$2,363,626	15.34
Democratic Senatorial Campaign Committee:					
3,813	797	20.90	$9,302,880	$993,297	10.68
Democratic Congressional Campaign Committee:					
3,229	578	17.90	$4,350,658	$597,385	13.73

Source: Computer analysis by Sunshine Press of FEC data from reports filed by party committees, January 1, 1995 through December 5, 1996.

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occupation and place of business it kept secret from the FEC and the public. The Clinton campaign got $1.9 million from 2,400 donors without disclosing anything about their occupation or employment. To be fair, though, the Clintonites' failure to disclose the business interests of 8.8 percent of their big-time contributors marked the lowest failure rate among major party candidates. By contrast, the Buchanan for President campaign's failure-to-disclose rate was an astounding 62 percent. Buchanan identified one donor simply as "Mr S S."

And then there are the members of Congress, now organizing themselves into House and Senate task forces to investigate campaign finance abuse. Contrary to law, members of the 105th Congress raised more than $15 million without disclosing the sources' occupations and businesses. Senator Al D'Amato, the New York Republican who spent most of the last Congress and a fortune in taxpayers' money picking over Whitewater, was apparently too busy to comply with the disclosure law. Among all senators, D'Amato ranked third in the amount, and fourth in the number, of 1995-96 contributions for which no occupation or employment information was disclosed. Republican Fred Thompson of Tennessee, chairman of the Senate investigation into campaign finance irregularities, did not comply with the disclosure law on 133 of his 1995-96 contributions, totaling $72,000.

In sheer number of gifts for which no donor interest was disclosed, Speaker Gingrich led the House. But in amount, he was edged out by Democratic Representative Charles Schumer of New York, who has amassed the fattest campaign chest in Congress, now more than $5 million. But unlike Republicans, who shared the wealth with their neediest colleagues (and kept their majority in the House), Schumer actually *took* $5,000 from the Democratic Congressional Campaign Committee and gave nothing to the cash-starved campaigns of his fellow Democrats.

For his part, Gingrich failed to properly disclose the interests behind 252 big donors, more than any other House candidate in 1995-96. Though his is the wealthiest and most Republican district in Georgia, most of his campaign money comes from interests outside the district. Two-thirds of the high-dollar money reported for 1995-96 came from outside the Peach State, and less than a fifth came from zip codes in his district. The occupations and business interests of most of the outside donors were kept secret.

All in all, in 1996 more than $56 million in large contributions was not properly accounted for by members of Congress, the six major party committees and the two major party presidential campaigns. And that's not counting soft money. If Congress and the Justice Department want to limit their inquiries to clear violations of the law, that $56 million is a good place to start. •

St. Boyden's unholy money trail.

SHADES OF GRAY

By Hanna Rosin

With each new twist in the Clinton fund-raising scandal, you can count on one constant: no matter what the revelation, C. Boyden Gray will show up to denounce it. With a grave, scolding air that bespeaks a saint who has had his patience sorely tried, George Bush's former White House counsel will profess his shock and assure his audience that no such iniquity was tolerated under his watch. His act has become so convincing that it has pushed the old Common Cause regulars off the stage. "He's saved us from having to call Fred Wertheimer out of retirement," says one grateful talk-show booker.

Believing in St. Boyden is important to reporters because it confirms what they desperately want to be true: that there is a bright line the Clintons crossed. But if the Clinton crowd crossed that line, the Bush crowd helped show them the way. In the increasingly corrupt business of political fund-raising, the Bush administration under Gray's watch and the Clinton administration have much more in common than not. Not surprisingly, this is a story that Gray works hard to obscure; the pronouncements of St. Boyden would be a lot less compelling to reporters if they stopped to reflect on the holy man's secular life.

Gray's judgments are damning and absolute—and often hypocritical. One of his peak performances came in February when he branded Terence McAuliffe's memo on the White House coffees a "smoking gun": "We would never have allowed people to pay for this kind of time in the West Wing," he assured *The Boston Globe*. In fact, Bush held regular dinners and cocktail parties at the White House, including one single private

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dinner in 1992 which raised $9 million. As for face time, George and Barbara were pretty generous. Two examples: in 1990, donors to the "Republican Senatorial Inner Circle" were offered the opportunity to "meet the Vice President and his wife at their home, participate in closed-door briefings with national and international figures, and then top the evening off by joining a Senator, Cabinet member or U.S. Senate candidate for a private dinner." Earlier that year, $10,000 donors to the "Republican Senatorial Trust" were invited to a "traditional welcome dinner" with Bob Dole and Alan Simpson, where the donors could "get to know their fellow Trust members in a casual atmosphere." A White House reception with the Bushes was to follow the next day.

When reminded of these friendly gatherings, Gray turns suddenly from one of the holy hosts to counsel for the accused. "The ability of someone to lobby was very limited, to say the least, during a fifteen-second handshake with the flash bulbs popping," Gray told the *Globe*. Other Bush-era fund-raisers echo Gray's line. As for the Inner Circle, Bush only "dropped in during the reception," says GOP Senator Don Nickles of Oklahoma, who signed the invitations. "He was probably there thirty or forty minutes." These are pointless distinctions, and an equally pointless one could make the Bush fund-raising look worse than the Clinton operation: at the Clinton coffees, donors were hit up for money after the klatch; at the Bush cocktails, donors had to pay to get in.

The important distinction is what donors got for their money. And in the Bush administration they got plenty: private briefings at the Old Executive Office Building, joy rides on Air Force One and, for at least eight of the $100,000 donors, plum ambassadorships. There were also scores of more specific favors. In 1991, New York lawyer Lawrence Levine, who had donated over $20,000 to the Republican National Committee, wrote to Dan Quayle asking to be included on one of Commerce Secretary Robert Mosbacher's famous trade missions. This particular mission was to Argentina, where Levine happened to have business interests. Three wealthy Central Valley farmers, all members of Bush's elite Team 100—donors of $100,000—received a 326-billion-gallon emergency allocation of water during a drought, personally ordered by Bush after a fund-raiser in California. These two apparent quid pro quos are among hundreds of Bush-era favors patiently laid out in *Common Cause*.

Modesty is Gray's favorite defense. "I am just a private citizen, a little guy involved in the debate," he says, only half-joking, when I request an interview. "People ask me questions and I tell them what I know." Like all good volunteers, Gray gives his all. During the FBI travel files scandal, he rebuked with abandon. In early 1996 Gray was quoted in *The Wall Street Journal*'s lead editorial attacking George Stephanopoulos for touring Greece at the expense of a Greek publisher. "The Bush White House never allowed any foreign or domestic entities to pay for trips.... This administration has thrown ethics out the window." So Jack Quinn, then Clinton's White House counsel, dug through the old files and wrote a letter to the *Journal* pointing out that Bush staffers had taken 179 foreign-funded trips, including two that Gray had happily joined.

Parsing through the illegalities of Clinton fund-raising is fair game for anyone. But mustering so much self-righteousness over the scandal requires a special sensibility. People like Fred Wertheimer have made an honest profession out of it. Even when no one listens, they howl about the constant, corrosive campaign finance scandal and wait until, bit by bit, the public becomes infected by their outrage and finally insists that something be done—get rid of soft money, cut off the PACs. They are the kind of people whose blood pressure rises each time they see a fat cat lobbyist extending the greasy balm of his palm to a smiling statesman. They are the kind of people who would boil over, in other words, each time they see a person like C. Boyden Gray.

So many different money trails lead to, by and through Gray it is bewildering. An heir to the Reynolds tobacco fortune, Gray was the top individual contributor of soft money to the Republican Party in 1995, weighing in with over $140,000. His Federal Election Commission list of hard-money contributions runs three pages long, for a total of almost $60,000, all to Republicans. In 1995, he held a fund-raiser at his Georgetown home; for $20,000, contributors got to clink glasses with Newt Gingrich. The event raised over $1 million.

Those are merely Gray's personal contributions. He also coordinates the industry front group of the moment, one of those temporary big business coalitions with Orwellian Newspeak names that mean their opposite. The Air Quality Standards Coalition, a group of oil, steel, trucking, agricultural and auto companies, formed last July to fight the Environmental Protection Agency's newly proposed air quality standards. Gray was their natural leader. The EPA came up with its new formula after a study showed that, during the thirteen months that the Geneva Steel plant in Provo, Utah, shut down in 1986 and 1987, the number of preschool children hospitalized for asthma dropped by two-thirds. Gray, it just so happens, is a lobbyist for Geneva Steel.

The coalition has at least 500 members, companies such as Texaco, Teneco, Philip Morris, Chevron and Monsanto, and is coordinated by the National Association of Manufacturers. It operates on the purest form of money-buys-access logic. PACs associated with the coalition gave $11.9 million to senators between 1991 and 1996. The group has been trying to woo the National Governors' Association since its newly chosen chairman, Ohio Governor George Voinovich, came out against the proposed EPA ruling. When that failed, it tried legal bribes. "The NAM has to pony up more cash for the NGA," reads the notes of one attendant at a November 1 meeting.

The coalition also uses standard tobacco-industry squelch tactics. In the notes of an October 6 meeting, one of the members, the American Iron and Steel Institute

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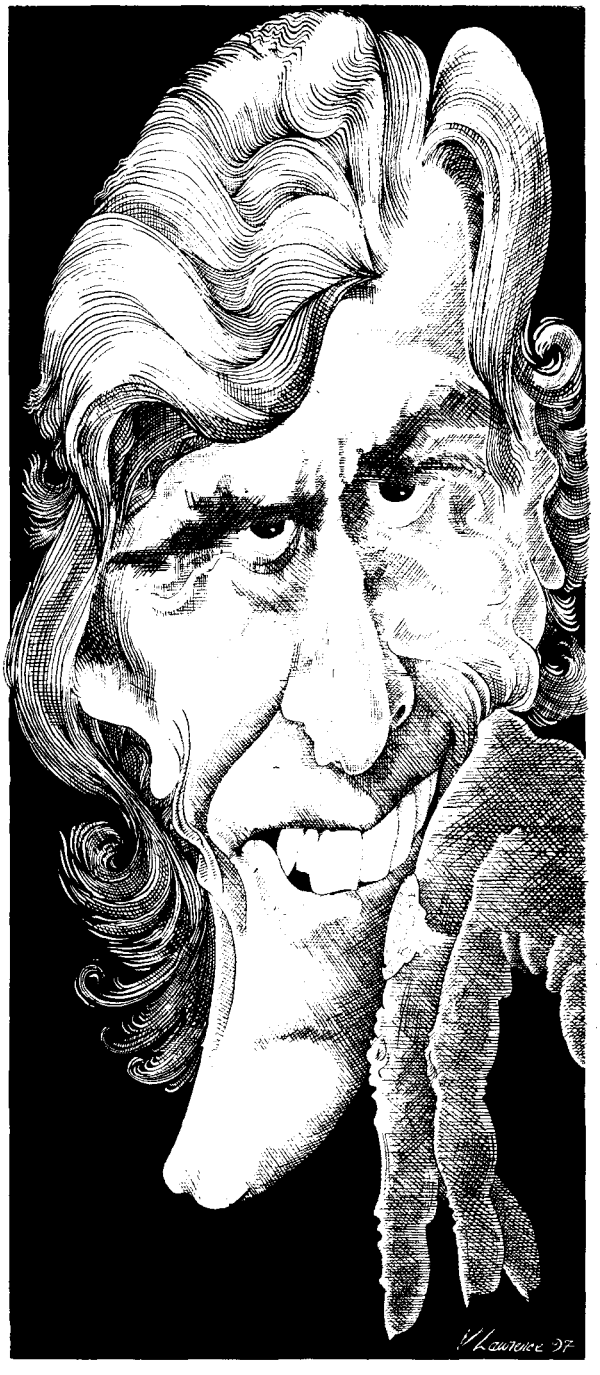
(AISI), commissioned a study in Pittsburgh on the cost of complying with the regulations. In December, preliminary results came back showing the costs were zero. "So let's deep-six them," said one member of the coalition, in a transcript of the meeting. "Won't see the light of day." Bruce Steiner of AISI admits that the institute canceled the study because "it only gives a partial view."

Except for lobbying, the coalition is almost too transparent to be effective. Which is why it depends on another of Gray's groups, Citizens for a Sound Economy, to carry out the "grass-roots" campaign. CSE is a think tank founded in 1984 to advocate lower taxes, less regulation and free trade. Officials at CSE keep a virtuous distance from the Air Quality Standards Coalition, and from all kinds of sordid lobbying and industry front work. "We are not a part of the coalition; we do not receive funding from them, and we do not work together," says Brent Bahler, a CSE spokesman.

But CSE footprints show up all over the coalition agenda. CSE officials met with coalition members last April to brief them on their $5 million educational campaign on the EPA rules. They got the American Petroleum Institute to agree to match all donations up to $600,000. Keeping up the appearance of a grass-roots effort by employing CSE is in fact crucial to the coalition. "NAM has recognized that re environmental issues, while the war will be won or lost in Washington, the battles will take place out there," says one member, according to the notes.

CSE is technically a grass-roots organization: it holds rallies, town hall meetings and talks at high school civic clubs. But it's not exactly an expression of the collective will of the people. Bahler says the education campaign is based on its latest opinion poll, which he would not release. A copy of the poll, however, shows it found the exact opposite of what CSE believes. "Most American voters (76 percent) consider themselves to be 'environmentalists,' " reads the introduction. "Few voters say they know someone who has been adversely affected by EPA laws or regulations, while a larger number say they know someone whose health has been negatively affected by a poor environment." The report advises CSE field officers to convince voters they are "on their side": "Explain why you want a good environment," it says. "You have children, you are an outdoor photographer or sportsman, you enjoy the beauty of our natural resources, etc."



C. BOYDEN GRAY BY VINT LAWRENCE FOR THE NEW REPUBLIC

CSE no longer even gets a majority of its funding from individual donations. They make up less than a third of its total budget, which jumped from $4 million in 1991 to $17.6 million last year. And that's not from $15 checks. The annual report doesn't list the group's funding sources, but it used to. And they sound a lot like the members of the coalition: the American Petroleum Institute, Amoco, Chevron, Dow Corning, Union Carbide, to name just a few.

Like politicians, officials at CSE maintain a chaste independence. "Donors don't play a role in the issues we take on, or the positions we take," Paul Beckner told *National Journal*. "We're principled and we're driven by a mission." It's almost an irrelevant question with CSE, because their mission coincides exactly with that of their donors. There are very few companies that want stricter EPA regulation and less free trade.

For all of Gray's checkwriting and fund-raising, his most noxious contribution to the business of access is this cheerful laundering of corporate cash and corporate interests into an apparent manifestation of civic-mindedness. Companies love Gray because he intellectualizes their agenda, turns dirty lobbying into activism. Gray does for CSE what he does for Geneva Steel, but, in the first incarnation, he's a policy wonk.

Technically, it matters whether a congressman makes a call from a cell phone or from his office phone, whether Maggie Williams handed over a check to the Democratic National Committee. But surely a more corrosive problem is the routine, legal, multimillion-dollar annual business between the jaded pros of the corporate world and the jaded pros of the political world—a business that is handled by men like St. Boyden Gray. •

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All recovery, all the time.

DYSFUNCTION JUNCTION

By Ruth Shalit

The promos are soft, somber, even a little sinister. A scowling fat man shuffles down a city street. A blond woman sits alone in a restaurant, gulping a glass of white wine. "It is estimated," says the narrator, "that every person with an addiction has an impact on at least five other lives." In a sylvan glade, children frolic in sweet unknowing innocence. Elegiacally, a tattered, black-and-white photograph flutters in the breeze.

Disparate, fragmented narratives are proferred in quick succession:

"I was abused as a child. Sexually abused. And I didn't like the feeling. So I would eat."

"I picked him up by his arm, you know, and hit him like this—"

"I've tried just smokin' pot. Just smokin' pot and drinkin'. Just takin' pills. Just shootin' cocaine. Just shooting speed.... "

"I didn't know what to do, because I wanted one of those cream puffs—"

"Drinking all the time, I was hanging out with my buddies. Gangbanging. Going to jail.... "

"I went into a drawer. I took out a spoon. I took the tops off all the cream puffs. And I ate the filling out of every single one of them."

Welcome to the horror at the end of the line, the logical terminus for a culture in love with its own dysfunction: the Recovery Network, a 'round-the-clock media showcase of addiction and anomie. Currently available only in test markets, this proudly pathological cable channel will go national on April 23. The concept behind cable's newest offering is simple: all recovery, all the time. "The plan is to be a 24-hour-a-day, seven-day-a-week lifeline into the community," says Bill Moses, the former Bear Stearns executive who serves as the network's CEO. "Our core audience will watch us at five at night and at one in the morning. In a 500-channel world, it's a natural, just a natural." Moses and his partners believe they have hit upon the greatest untapped niche market in television: the many, many millions of Americans who are, or believe they are, addicted to something. "The size of the problem is so staggering, it clearly deserves its own bandwidth," says Larry Namer, chief operating officer. "I can't believe we're not going to be a permanent fixture on the American landscape at the turn of the century."

Happily for ratings, compassion means defining suffering inclusively. "Addiction has many faces and the Recovery Network touches them all," explains a video promo. "From alcohol to drugs, to depression, sex, obsession, eating disorders, family violence, compulsive gambling and sexual abuse." With a revolving troupe of real-life dopers, topers, anorexics, bulemics, sex addicts, compulsive gamblers and adult children, the Recovery Network hopes to create a new class in the TV culture, one in which victimhood is celebrity. "There will be no narrators," boasts a promotional leaflet. "No preaching. No interpretation. Just raw, unprocessed life experience."

On the Recovery Network, all ailments are equal: all are intractable, institutionalized "diseases," deserving of equal sympathy and attention—and air time. "We don't see any difference between being addicted to drugs, being addicted to food or being addicted to gambling," says Bill Megalos, Recovery's director of programming. "We counter vehemently any stigma by less-than-progressive thinkers that any of these ailments ... are representative of moral weakness, rather than medical disorder."

Sexaholics, workaholics, cyberholics and rushaholics all will come forward to testify to the ravages of addiction, proferring their intimacies to the nation as support group. With crack and cream puffs as mere signposts along a single continuum of dysfunction, even pudgy housewives can wear the crown of thorns. "As you radiate out from the causes of addiction and its consequences, you start to run into other sources of pain—all of which have their own constituencies," explains Donald Masters, a recovering alcoholic who serves as the chairman of the network.

Programming director Bill Megalos spends his days combing California's twelve-step programs, documenting fresh foibles with the zeal of an anthropologist discovering a pristine tribe. "When you go to these rageaholic meetings, it's beyond poignant," he says. "These are people taking tennis rackets to cushions, which they've covered up with, like, fifty layers of gaffing tape.... Most of them are transferring the rage they have for their mothers." One survivor left a particular impression. "There was this one guy who was just going

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off," he says. "He was gay. And he was just raging against everyone in society. He was literally screaming at the top of his lungs. He was saying, 'I used to be young and beautiful. And I'm old now, and nobody loves me.' "

Is there any pain, any addiction that the Recovery Network deems not important enough for air time, better left unshared? Nope. While conceding that anonymity may be crucial "for the healing of an individual person," Megalos insists that the social costs of silence are too high. After all, for those closet rage-aholics thwacking their rackets in solitude, a good group scream might just be the gateway to salvation. "It's stunning that some people don't know there are meetings like this," he says earnestly. "I think it hurts society as a whole."

The Recovery Network's programming is segmented, like the programming of more conventional networks, into separate shows. Each show is aimed at a particular niche within the niche market. The discriminating twelve-stepper may choose among "Cruel Spirits," a look at the link between alcohol and violence; "Don't Bet Your Life," aimed at compulsive gamblers; and "What's Eating You?" for waifs and fatties. On the less serious side, the network has developed a show called "Bottoms," featuring frolicsome comedians who will "take a lighter look at the recovery process." One such comedian is "Cocaine Ralph," who regales his audiences with madcap tales from his druggie days. A promotional brochure touts the yukfest as "a creative and effective way to arm addicts with information essential to their recovery."

But the heart of the Recovery Network is surely "Full Circle," an hour-long program purporting to document the "inner workings of the recovery group process." It sounds like rough sledding, until you realize that the participants aren't your typical overtherapized motormouths. Namer, a cofounder of "E! Entertainment Television," spent months cherry-picking an appropriate ensemble—using, he says, "the exact theory that was used to pick the original veejays for MTV."

And here is where one discovers the dirty little secret of the Recovery Network. Inclusion is all very nice, but programming is programming. And while all inner children are created equal, some, in programming terms, are more equal than others. "The bottom line is that it has to be good television," says Namer. "Some people's stories just aren't very interesting."

Namer's first move toward a more telegenic class of addict was to post flyers at L.A. recovery clinics, offering addicts fame and cash ($100) in return for their tales of woe. "Sure, there might have been a few actors who showed up," he assures. "But auditions were done only with people legitimately in recovery." The tryouts then began. "It was essentially an open call," says Namer. "People would walk in. They would start telling their story. Some would go on for a half an hour. And you're sitting there on the edge of your seat going, 'No. *No!* You couldn't have!' But they did."

Not surprisingly, there is a creepy monotonal quality to the players in Namer's corps of star-quality addicts. Nestled cozily in chintz couches, surrounded by cuddly stuffed bunnies and kitties and puppies, the confessors sprinkle their lachrymose monologues with the same catchphrases and catechismal confessions. "I'm the most important person in my life," lisps a recovering compulsive eater named Meredith. "[It's] *my* recovery, *my* journey." Michael, yet another problem eater, achieves a breakthrough of sorts when he discovers that some members of his family "are not people who *feed* me. They're not people who feed the hunger that I have." Perhaps you'll have guessed that Michael's real hunger is, yes, "the hunger that's really deep down inside—the hunger that is really about *love*." On the Recovery Network, even the scruffiest of pub-crawlers speak like Stuart Smalley. "If I keep suiting up and showing up, I won't have to shoot up and throw up," declares a grizzled biker dude named Don. "Thanks for letting me share."

On a balmy March day in New Orleans, site of the 1997 Cable-TV Expo, Namer, a plump, avuncular father of two in his mid-40s, explains his journey from soulless cable mogul to misty-eyed entrepreneur of dysfunction. Namer readily admits that when he was first approached about the project, back in '93, his reaction was less than compassionate. "Truthfully, when this was first presented to me, I didn't get it," he says. "I said, 'Wait a second, here. You want me to go to Madison Avenue and tell the advertisers that they should give us ad dollars to deliver every cokehead and drug addict and drunk in the United States? I don't get it.' ... I sent these guys away."

But, just to make double-sure, Namer sent a trusted research assistant to the library. "I said, 'Okay: drug abuse, alcohol abuse, eating disorders, sexual abuse,' " Namer recalls. "Just bring me information." The assistant soon returned, bearing glad tidings. "He told me that the number of people afflicted by or affected by those four things is almost 100 million," Namer says, his eyes shining. "I thought: 100 million! It can't be!"

It was, Namer realized, a vast market that had only just begun to be exploited. And, best of all, the cash cow of codependency would never run dry. "When you're in recovery, you never stop being in recovery," Namer says. "From the point of view of a television person, that's the best viewer you could ever possibly find." The ideal couch potato: addicted to addiction TV.

Though the network thus far has been a magnet only to "non-traditional" advertisers—Hazelden, Camp Recovery, Annacapa by the Sea—its shareholders are planning a lucrative sideline in recovery merchandising. As a corporate prospectus explains, the network's revenue will come not only from advertising, but from "merchandising and ancillary sources." Already, visions of twelve-step T-shirts, books and inspirational videotapes are dancing in everyone's heads.

Of course, not all the viewers of the Recovery Network will be addicts. Namer and his partner, Recovery CEO Bill Moses, are hoping for a sizable share of an

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already proven audience, the vast armies of the happily prurient who fill the chairs and the ratings of the daytime talk shows. "If you look at the 'Oprah' shows, if you look at afternoon television, you see that a lot of it is substance abuse, or is, uh, lifestyle related," says Moses eagerly. "And it's fascinating! It's riveting! You can't change the channel!" "We call it voyeurism," chimes in Namer, without smiling. "And that's why we're going to make a lot of money on this at the end of the day."

Not that anyone is in this just for the money. By exploiting private pathologies, the recovery profiteers argue, they perform a public good. "We think what we're doing is unbelievably important," says Namer. "It's no secret now that addiction is prevalent in our society. It's the number one cause of crime. People are being killed by drunk drivers. There are crackheads robbing people.... It's such a serious issue, we think it should be in every home."

To ensure that these noble instincts remain unsullied, the recovery-mongers have retained the counsel of a "board of advisers," filled with distinguished psychologists and proselytizers. Dr. Joseph Pursch, the renowned psychiatrist who treated Betty Ford and Billy Carter, has agreed to serve as the chair of this advisory board. In a telephone interview, Dr. Pursch, now residing in Laguna Beach, gamely embraced his newfound therapeutic bedfellows. "I believe they are a force for good!" he exclaims in a thick German accent. "A number of the moguls involved in recovery have an emotional motivation. They all made their money in various, heh, heh, heh, devious and other ways. Now, with their other hand, they want to do some good."

For this to happen, Pursch stresses, several pitfalls must be avoided. First, he says, the network must not become a platform for recovered memory buffs and self-proclaimed survivors of satanic ritual abuse. "It is absolute nonsense," he says. "We must not have lengthy self-descriptions of rescues from satanic domination." Uh-oh. Donald Masters, chairman of the Recovery Network, sees things a little differently. "I've run into people who've lived through [satanic ritual abuse]," he explains. "I've seen some horrible things.... And I just hope that everyone who's involved with the network will take a stand for compassion."

Another threat that Dr. Pursch warns against is quackery, an ever-present danger in the recovery culture. In seeking to explain the interconnectedness of victimhood, Bill Moses twice insisted that "seventy percent of women who have serious eating disorders have also been sexually abused as children." The network's promotional literature puts the number of survivors of child abuse or child sexual abuse at "20 million." When I asked Pursch about these improbably high figures, he angrily decried them as "totally speculative.... I have no idea where they got it from." The doctor sighs resignedly. "The problem," he says, "is that [recovery capitalists] are all moneymakers. In the end, they are not really knowledgeable about anything other than their own twelve-step programs."

Finally, says Pursch, there is the danger of an excessive reliance on a small clique of recovery celebrities. Though such gurus have large and loyal followings, Pursch believes they offer more silliness and jargon than sensible insight. "I'm thrilled that they are avoiding John Bradshaw," he enthuses. "My understanding ... is that they are avoiding all the trendy people whose appeal is mostly to neurotic housewives, pardon my chauvinism. Bradshaw's fifteen minutes of fame are over." Over, that is, except on the Recovery Network. According to the latest programming schedule, a show in the first week will feature "John Bradshaw, noted author, counselor and recovery figure, shar[ing] invaluable information in shame and addiction."

Asked about the tension between good business and good recovery, Pursch turns psychoanalytical. "This is what happens any time you deal with entrepreneurs," he says. "They have to balance their good side with their crafty-to-conniving-to-lying side. It's the job of the advisory board to try to rein in their freedom for ... entrepreneurial crookedness." Once again, the doctor exhales loudly. "I can see how this thing is going to go," he says. "There will be a constant tug-of-war between the neurotic and exhibitionistic and exploitative father, and the levelheaded, both-feet-on-the-ground mother." There is, however, one consolation. "At least we were able to convince them that accepting beer and fast-food advertising was a bad idea," says Dr. Pursch.

But the moneymakers are already looking forward. The network now has its own radio show, its own web site, its own 800-number hotline. By year's end, according to *Crain's Electronic Media,* the cable channel will be beamed into 15 million homes. And there's more. On January 9, the network reached an agreement with Microsoft to provide enhanced-TV services to Recovery Network viewers. Starting in mid-'97, viewers watching the programming on their computer screen will be able to correspond, in real time, with a virtual community of the proudly dysfunctional. "It'll be the biggest group in the world," says Larry Namer.

The recovery moguls and I are sitting at a fancy Cajun restaurant, relaxing in our chairs after a gluttonous orgy of bouillabaisse, lamb and bread pudding soufflé. Namer, understandably, is in an expansive mood. "Very few projects come along in your life that you actually feel good about doing," he declares. "Clearly, this is one of them. Did you know that 60 percent of the Recovery Network's employees are themselves in recovery?"

Tom Tanno, a press assistant for the network, snickers mischievously across the table. "Doesn't it make it hard to fire them, though?" he asks. "Knowing that?"

Namer grows contemplative. "Naw," says the television executive. "It doesn't go that far." And, with that, he lifts up his glass and drains the last drop of vintage Merlot. •

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THE HARD QUESTIONS

Last rights

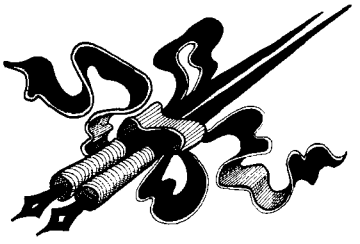
The Supreme Court will soon decide whether terminally ill patients have a constitutional right to physician-assisted suicide. Most likely, the Court will say no. Almost every state prohibits suicide, and in oral arguments earlier this year the justices voiced doubts about striking down so many state laws on so wrenching a moral issue.

If the Court rules as expected, it will not simply be overruling the two federal courts that declared suicide a constitutional right. It will also be rejecting the advice of six distinguished moral philosophers who filed a friend of the court brief. The authors of the brief comprise the Dream Team of liberal political philosophy—Ronald Dworkin (Oxford and NYU), Thomas Nagel (NYU), Robert Nozick (Harvard), John Rawls (Harvard), Thomas Scanlon (Harvard) and Judith Jarvis Thomson (MIT).

At the heart of the philosophers' argument is the attractive but mistaken principle that government should be neutral on controversial moral and religious questions. Since people disagree about what gives meaning and value to life, the philosophers argue, government should not impose through law any particular answer to such questions. Instead, it should respect a person's right to live (and die) according to his own convictions about what makes life worth living.

Mindful that judges are reluctant to venture onto morally contested terrain, the philosophers insist that the Court can affirm a right to assisted suicide without passing judgment on the moral status of suicide itself. "These cases do not invite or require the Court to make moral, ethical, or religious judgments about how people should approach or confront their death or about when it is ethically appropriate to hasten one's own death or to ask others for help in doing so," they write. Instead, say the philosophers, the Court should accord individuals the right to make these "grave judgments for themselves, free from the imposition of any religious or philosophical orthodoxy by court or legislature."

Despite their claim to neutrality, the philosophers' argument betrays a certain view of what makes life worth living. According to this view, the best way to live and die is to do so deliberately, autonomously, in a way that enables us to view our lives as our own creations. The best lives are led by those who see themselves not as participants in a drama larger than themselves but as authors of the drama itself. "Most of us see death ... as the final act of life's drama," the brief states, "and we want that last act to reflect our own convictions...." The philosophers speak for those who would end their lives upon concluding that living on "would disfigure rather than enhance the lives they had created." Citing the Court's language in a recent abortion case, *Planned Parenthood v. Casey* (1992), the philosophers stress the individual's right to make "choices central to personal dignity and autonomy." Such freedom includes nothing less than "the right to define one's own concept of existence, of meaning, of the universe, and of the mystery of human life."



The philosophers' emphasis on autonomy and choice implies that life is the possession of the person who lives it. This ethic is at odds with a wide range of moral outlooks that view life as a gift, of which we are custodians with certain duties. Such outlooks reject the idea that a person's life is open to unlimited use, even by the person whose life it is. Far from being neutral, the ethic of autonomy invoked in the brief departs from many religious traditions and also from the views of the founders of liberal political philosophy, John Locke and Immanuel Kant. Both Locke and Kant opposed a right to suicide, and both rejected the notion that our lives are possessions to dispose of as we please.

Locke, the philosopher of consent, argued for limited government on the grounds that certain rights are so profoundly ours that we cannot give them up, even by an act of consent. Since the right to life and liberty is unalienable, he maintained, we cannot sell ourselves into slavery or commit suicide: "No body can give more Power than he has himself; and he that cannot take away his own Life, cannot give another power over it."

For Kant, respect for autonomy entails duties to oneself as well as others, most notably the duty to treat humanity as an end in itself. This duty constrains the way a person can treat himself. According to Kant, murder is wrong because it uses the victim as a means rather than respects him as an end. But the same can be true of suicide. If a person "does away with himself in order to escape from a painful situation," Kant writes, "he is making use of a person merely as a means to maintain a tolerable state of affairs till the end of his life. But man is not a thing—not something to be used as a means: he must always in his actions be regarded as an end in himself." Kant concludes that a person has no more right to kill himself than to kill someone else.

The philosophers' brief assumes, contrary to Kant, that the value of a person's life is the value he or she attributes to it, provided the person is competent and fully informed. "When a competent person does want to die," the philosophers write, "it makes no sense to appeal to the patient's right not to be killed as a reason why an act designed to cause his death is impermissible." Kant would have disagreed. The fact that a person wants to die does not make it morally permissible to kill him, even if his desire is uncoerced and well-informed.

The philosophers might reply that permitting assisted suicide does no harm to those who find it morally objectionable; those who prefer to view their lives as episodes in a larger drama rather than as autonomous creations would remain free to do so.

But this reply overlooks the way that changes in law can bring changes in the way we understand ourselves. The philosophers rightly observe that existing laws against assisted suicide reflect and entrench certain views about what gives life meaning. But the same would be true were the Court to declare, in the name of autonomy, a right to assisted suicide. The new regime would not simply expand the range of options, but would encourage the tendency to view life less as a gift and more as a possession. It might heighten the prestige we accord autonomous, independent lives and depreciate the claims of those seen to be dependent. How this shift would affect policy toward the elderly, the disabled, the poor and the infirm, or reshape the attitudes of doctors toward their ailing patients or children toward their aging parents, remains to be seen.

To reject the autonomy argument is not necessarily to oppose assisted suicide in all cases. Even those who regard life as a sacred trust can admit that the claims of compassion may sometimes override the duty to preserve life. The challenge is to find a way to honor these claims that preserves the moral burden of hastening death, and that retains the reverence for life as something we cherish, not something we choose.

MICHAEL J. SANDEL

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BOOKS & The Arts

Stanley Kauffmann on Films

Hates, Loves, Addictions

Irish film is running a risk. The worst thing that could happen to Ireland in the film world, vis-à-vis the gravity of Irish troubles, is for films on that subject to degenerate into a genre. Within a relatively few months we've had *Michael Collins* and *Some Mother's Son*, which were only the most recent in a line. Now there's **Nothing Personal** (Trimark). The one freshness in this latest, set in the Belfast of 1975, is that the story is told from the view of Protestants rather than the IRA.

Certainly the Irish troubles are not the only grave subject to run the risk of becoming routine: I'm in no hurry to see another (fictional) film about South Africa or the Holocaust. But there's a particular irony with Ireland. For decades, Ireland, mother of great acting and great playwriting, languished in film. In the 1980s and early 1990s something stirred, and we began to get an Irish presence on the screen (*My Left Foot, The Crying Game,* others). Naturally enough, the northern troubles came in for treatment; soon they began to dominate the field. Now, when an Irish film is announced, we half anticipate it to be about the troubles.

No one would expect the Irish people as a whole to disregard the troubles (though one can spend weeks in Eire without hearing or reading a word on the subject). My point is not to belittle the agony in the north: quite the reverse. It's to hope that the subject will be treated only when the project is a clear increment. It would be a pity if the matter became a filmic commonplace, a chance for exploitation, which has happened with the troubles in the ghettos of our cities.

Nothing Personal is, in effect, an IRA film with the proper nouns changed. Instead of obscenities about Protestants and the British, we get the same about Catholics. And the shootings and bombings have their targets reversed. The direction by Thaddeus O'Sullivan and the screenplay by Daniel Mornin (from a novel of his) are of no special interest. The only striking performances are by Maria Doyle Kennedy as the wife of one of the activists and by Jeni Courtney as the small daughter of another.

Drunks (Northern Arts) lives up to its name. It's chiefly about an Alcoholics Anonymous meeting in a Manhattan church basement. Gary Lennon wrote the script, from his play *Blackout*, and the dialogue is so veristic that the film seems like a tape of an AA meeting. If we didn't see Faye Dunaway or Howard Rollins or Dianne Wiest and other familiar people speaking the words, we might feel we were intruding.

For the most part, the film is a succession of tormented arias: the speakers are members who "testify," telling us how many days they have abstained and how they became alcoholics in the first place. Almost everyone traces it to a specific cause. Most of these recitals are terrible and moving, especially those by Howard Rollins, Parker Posey and Lisa Gay Hamilton.

One of them, however, is amusing—at least, it begins that way. Spalding Gray (bearded) plays a man who wanders into the meeting because he has come to this church for choir practice and has been listening, absorbed by what he thinks are the personal travails of his fellow choristers. Then he is tempted to tell his own story, which is less anguished than the others but is not out of place.

The script's flaw is in its treatment of the central character. Played by Richard Lewis, who looks and acts like a junior Al Pacino, this man leaves the meeting and wanders through streets and bars to his apartment, each place with an episode attached. In his apartment there's a scene with a hooker whom he knows. All of this material is obviously inserted to give the film variety, but the obviousness hurts more than it helps.

A number of AA people are also on drugs, and if a reminder is needed that alcoholism is not passé, square, out of date, *Drunks* is a jolt. All the more so because it is not a tract but a small drama anthology.

During **Love Jones** (New Line) I thought of the year 2097. I don't particularly care to survive that long, thanks, but I'd like to come back for a peek. I'd like to see what black Americans think of this film a hundred years from now.

Here is an all black film that has been praised because it's not about drugs or crime or gang wars—it's just a love story. And it's not merely a matter of white critics praising a black director for making nice: I saw the picture in a theater with a mostly black audience, and, on the way out, I heard comments such as "Anyway, there wasn't a lot of crack and guns."

FILMS WORTH SEEING

Hamlet. *Some directorial touches intrude, but it's full of energy. Kenneth Branagh sparkles, and many of the cast are excellent. (Reviewed 1/27/97)* **Mandela.** *A documentary done with skill and poise. Mandela himself cooperated, thus helping to make it more than authentic. Without canonization, it's a heroic story. (3/31/97)* **Prisoner of the Mountains.** *Vigorous yet subtle, this updated Tolstoi tale of the Caucasus is apt because of recent events in Chechnya.(2/24/97)* **Sling Blade.** *The worst title in some years for one of the best American films in some years. Echoes of Flannery O'Connor are in this Arkansas tale written and directed by Billy Bob Thornton, with himself playing a man released from a mental hospital after a twenty-five-year stay. (2/10/97)*—**SK**

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What I'm wondering is how black people in 2097 will regard a time in which blacks lived their lives—the dances and romances, the poetry and worldly success, all of which are in this film—in a distinctly separate social stratum. Such strata are neither new nor unique in this country; long-established ones still survive to one extent or another. (I don't know many Jews who have gentile doctors.) But, obviously, it's a different topic when physical features are irremovably involved. In its innocuous way, quite incidental to its purpose, this romance is a fluffy reminder of a serious subject, now much debated: integration. What will this film seem in time—antique or antecedent?

Theodore Witcher wrote and directed *Love Jones*. He's a better director than writer; the screenplay is tacked together with hand-me-downs from (white) Hollywood romances, with arbitrary meetings, partings, reunions. It's set in Chicago and centers on a poet-novelist, played by Larenz Tate, and a photographer, Nina Mosley, who meet at a poetry café. Witcher has brought out the genuine sweetness in both of them and has given each a same-sex friend with whom each has juicy, warm conversations.

A few weeks ago the Motion Picture Association of America announced that the average cost of making and marketing a first-line Hollywood film has risen to $60 million. An increase of 148 percent in a decade. (The story carried no mention of change in dollar value.)

The reactions of studio moguls to the announcement were odd. "Horrified," the head of Paramount said she was. The head of Universal was "appalled"; the head of Disney "upset." Did these three executives mean that they didn't know what they have been spending? Or who was responsible for the increase?

Postponement Note. *The Designated Mourner*, reviewed here two weeks ago because it was announced to appear in March, will not open until early May. Meanwhile, if that's the right word, the Steppenwolf Theater in Chicago has given the original play its American stage première. •

What the alarmists about divorce don't get about idealism in America.

Love, American Style

By Margaret Talbot

I.

Every month for the past forty-four years, *The Ladies Home Journal* has soothed and titillated its readers with a column called "Can this Marriage be Saved?," a feature that is today, as it has always been, a fervent tribute to the American faith in matrimony. By now, the question contained in the title is purely rhetorical: the troubled marriages brought to life through this pop opera for three voices—wife, husband, counselor—are always, always saved. First, the harried wife, introduced with a few generic physical details ("petite," "wide-set eyes") and gestures (sighing, hair-twisting), tells a marriage counselor how she met and married her husband, and then how their union came to grief over adultery, or a coldness at its core, or her childlessness, or his childishness. Next the rueful husband offers his version of events, in which, if anything, the breach appears even more irreparable. Then, just when all hope seems dashed, the counselor explains how, through therapy and forgiveness, and most importantly, through a new and mutual willingness to treat one another with the tender regard of beloved friends, the unhappy couple renewed itself.

In the early 1950s, when the column first appeared, its wildly successful record of marriages reprieved might not have seemed so fanciful. Now, when half of all marriages in America end in divorce, "Can this Marriage be Saved?" reads more like an exercise in nostalgia, or futile cultural stubbornness. In any event, the column's enduring popularity with its 5 million readers suggests the persistence of a set of beliefs: that marriages ought to be saved; that some of the worst of them can be saved; that, insofar as even these nuptial casualties can be rescued, so, surely, can the institution of marriage.

The Divorce Culture
by Barbara Dafoe Whitehead
(Knopf, 224 pp., $24)

The Abolition of Marriage: How We Destroy Lasting Love
by Maggie Gallagher
(Regnery, 300 pp., $24.95)

The twin ideals here, shining like klieg lights through great cloud banks of misunderstanding, are the perfectibility and the desirability of marriage.

A pop cultural artifact such as "Can this Marriage be Saved?" ought to present the divorce alarmists in our midst with a conundrum. If you accept the premise of the alarmists—that Americans are living now in a blighted postmarital landscape, where every signpost announces that marriage is disposable and divorce is a cinch—then how to explain this interminable valentine to the regenerative powers of marriage? How, for that matter, to explain the attitudes that most Americans still profess toward marriage, in poll after poll, at altar after altar? Despite the odds, and they are pretty formidable, 90 percent of men and women in the United States eventually marry. The percentage of Americans who say they want to marry has held steady, at 96 percent, for the last thirty years. Almost three-fourths of Americans, according to one recent survey, believe that "marriage is a lifelong commitment that should not be ended except under extreme circumstances." Even the gay rights movement, once so dedicated to giddy non-monogamy, has lately got it bad for the honorable estate.

But there is a paradox. Marriage, you might say, is the underlying cause of divorce. The higher the expectations of marriage—one index, after all, of respect for the institution—the greater the number of divorces. Idealize marriage, and the real complications of love and sex and companionship and family will bite back. A book that granted this paradox the weight it deserves would go a long way toward explaining our divorce statistics in a way that neither trivialized them nor depicted them as the root of all social evil. But the doomsday scenarists who write about divorce these days—Barbara Dafoe Whitehead is just the latest in a lachrymose cavalcade—do not have

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much time for nuanced thinking about marriage, and they are not much interested in paradox, or even in ambiguity.

In the genre of jeremiads to which Barbara Dafoe Whitehead's book belongs, simple truths are more useful than complex ones; and neat dividing lines, such as the imaginary boundary separating "the divorce culture" from everything that came before it, are always preferable to the ragged continuities of so much history. As it happens, Whitehead is one of the more moderate crusaders against divorce. The splenetic suburbanite Maggie Gallagher bemoans not only "the abolition of marriage" in her book of the same title but, also, its "deconstruction" and its "murder." Whitehead's rhetoric is more prim and scholarly. Unlike, among others, the erstwhile Clinton adviser William Galston, she has not called for the repeal or radical restriction of "no-fault" divorce laws. (Indeed, she argued recently in *The New York Times* that no-fault laws had succeeded in their goal of making many divorces less vindictive.) But Whitehead is quite definitely part of the same growing movement, the blancmange of vaguely leftish communitarians (David Blankenhorn, Amitai Etzioni) and cheerfully reactionary neocons (William Bennett, the American Enterprise Institute) who have latched onto divorce as our preeminent social problem. Even Hillary Rodham Clinton frets about it in *It Takes a Village.*

It is not hard to see the ecumenical appeal of the anti-divorce project. The right likes it because it is an issue best confronted by means of cultural retooling and individual initiative, not government programs. The communitarian left likes it because it allows them to train their ire on the "selfish" middle class, who contribute at least as much to rising divorce rates (unlike, say, rising illegitimacy rates) as the poor do. And both camps can easily fit it into a politically potent discourse about the decline of the family. Even many feminists like it, because the anti-divorce movement extends an awkward gallantry to women, insisting that they are more likely than men to suffer the ill effects of marital break-ups, and larding their writings with witticisms such as "a woman in favor of divorce is like a turkey in favor of Christmas." (Never mind that most divorces are initiated by women, and that in study after study more divorced women than divorced men say that they are glad to be out of their marriages.)

But the anti-divorce movement owes most of its appeal—and most of its integrity—to the fact that on one point it is incontrovertibly correct: for children, divorce has serious, even dire, consequences. Divorce pushes many families into poverty, and it can be psychologically wounding, according to a growing pile of evidence, in ways that last well into adulthood. Children of divorce are less likely to graduate from high school, and they are more likely to get pregnant as teenagers than children whose married parents still live together. They are more prone to depression and even to joblessness. Their own marriages are more likely to fail.

In some cases, the statistical differences between children of divorced parents and children of married parents are not large; and many of the relevant studies fail to make adequate distinctions between single-parent families headed by mothers who never married and single-parent families headed by divorced mothers. Still, the differences are present across a range of measures. And, significantly, they tend to level disparities between the races in school performance and the like. "White children from disrupted families have a much higher dropout rate than black children from two-parent families," write the sociologists Sara McLanahan and Gary Sandefur, "and they have virtually identical dropout rates to those of black children from disrupted families. . . . *For the average white child, family disruption eliminates the advantage of being white with respect to high school graduation.*" Statistics such as these represent not only personal tragedies, but social tragedies as well.

With all of this to recommend the anti-divorce movement, it has been easy to neglect the shortcomings of its arguments. The shortcomings are many. They begin with a reluctance to draw distinctions: between divorces that involve children and those that do not; between broken families whose parents never married in the first place and broken families whose parents are divorced; between divorces sought out of boredom and divorces sought out of soul-killing unhappiness. The divorcephobes also misread American history, in a manner that makes the '60s and its counterculture bulk absurdly large. And most enfeebling of all for their movement, they fail to summon up a vision of marriage more compelling than the one most Americans seem to share already, the one whose very strengths make it peculiarly vulnerable.

Since the mid-nineteenth century, the divorce rate in America has been climbing steadily. There have been peaks: in the 1880s, when Gilded Age marriages conceived in haste or in greed proved particularly combustible and one out of every fourteen marriages ended in di-

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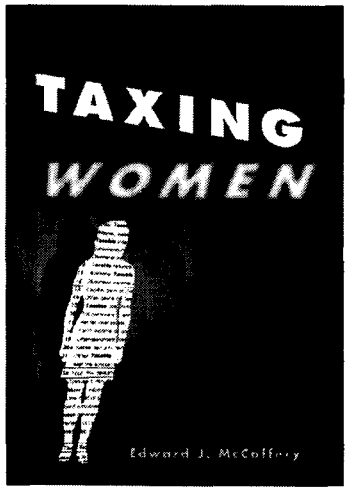

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vorce, and in the immediate aftermath of both world wars. And there have been troughs: fewer people divorced during the Depression, for instance, than before or since. The sharpest increase, though, began in the early 1960s, and roughly doubled the divorce rate, bringing it to an unprecedented high in 1981. The numbers have since leveled off, but they still translate into odds dooming half of all marriages. The United States is not quite as unique in this regard as Whitehead and others suggest; in Great Britain, for example, forty-one out of every 100 marriages end in divorce; in Sweden, forty-four do. Still, we have the edge over other Western democracies.

In Whitehead's view, the explanation for this phenomenon is to be found entirely in the realm of ideas. Her book, she explains, is an attempt to trace the "intellectual origins" of the "divorce revolution," and, like so many of the new divorce critics, she looks no further for these origins than the 1960s. It was then, she argues, that "Americans began to change their ideas about the individual's obligations to family and society. Broadly described, this change was away from an ethic of obligation to others and toward an obligation to self." As a result, "people began to judge the strength and 'health' of family bonds according to their capacity to promote individual fulfillment and personal growth."

Thus marriages were held to rigorous new standards. If they weren't glittering with emotional riches, they were stultifying. Divorce itself became a means of self-expression, like a pottery class or a bout with EST. Divorce was now conceived of as an individual right and an inner journey; and, as this new conception took hold, the old sanctions on marital breakup lost their meaning. The sense of divorce as a social act with social consequences and the potential to injure others, especially children, faded. "Influential voices in the society, including child-welfare professionals, claimed that the happiness of individual parents, rather than an intact marriage, was the key determinant of children's family well-being." Unhooked from its definition as a social problem, divorce ran rampant.

The trouble with such an account is that the roots of the American tolerance for divorce are much older than the 1960s, and much deeper than the culture of therapeutic self-regard, and feminism, and even liberalism. Marriage here has always been less stable than it was in the old world, because it has always been understood, in its model form anyway, to be a union of affectionate equals, rather than a melding of dynasties or a marmoreal hierarchy of male and female. As Lawrence Stone has written, explaining the relative dearth of divorce in England before the late nineteenth century, "there can be little doubt that the institutional marriage, in the arrangement of which parents and 'friends' played a large part and financial considerations loomed large, tended to create marital stability. This was because the ties that bound the spouses together were more numerous and more permanent than those ephemeral psychosomatic experiences, romantic love and sexual passion." The love match, rather than the arranged marriage, has been the norm in the United States from its inception. And since love matches are inherently wobblier than arranged marriages, divorce has long been something of an American tradition, too.

It was the very uncountercultural Puritans who first introduced divorce to the American colonies. In cases of adultery or willful desertion, the courts and the legislatures of New England granted it from about 1620 onward. And, unlike their English equivalents, they allowed divorced spouses to marry again. (In England, the divorce "of bed-and-board," which permitted couples to live separately but not to remarry, was standard.) This willingness to countenance divorce, to treat it as a matter for civil courts rather than ecclesiastical courts, and to encourage new unions more securely bound by love, was accompanied by the hope that marriages would be the stronger and the sweeter for it. For love was incumbent upon the marriage contract, and a loveless marriage did no honor to God.

In a treatise called *The Well-Ordered Family* (1712), the theologian Benjamin Wadsworth evoked this Christian vision of marriage as a peaceable kingdom, godly in its harmony:

> The duty of love is mutual, it should be performed by each, to each of them. They should endeavor to have their affections really, cordially and closely knit, to each other. If, therefore, the Husband, is bitter against his wife, beating or striking of her (as some vile wretches do) or in any unkind carriage, ill language, hard words, morose, peevish, surly behavior, nay if he is not kind, loving, tender in his words and carriage to her; he then shames his profession of Christianity, he breaks the divine law, he dishonours God and himself, too.... The same is true of the Wife, too. If she strikes her Husband (as some shameless, impudent wretches will), if she's unkind in her carriage, gives ill language, is sullen, pouty, so cross she'll scarce speak sometimes; nay if she neglects to manifest real love and kindness ... she not only affronts her Husband, but also God, her Maker, Lawgiver and Judge ...

I don't mean to suggest that the Puritan view of marriage and divorce is our own view of marriage and divorce. We no longer take kindly to the culture of scarlet letters. (Not even to movies about them.) Still, there are elements of the Puritan dispensation—the tolerance for dissolving marriages in the interest of preserving marriage, the availability of divorce to rich and poor alike, the idea of tender friendship as the all-important bond uniting husband and wife—that render it more familiar to us than the old world's contemporaneous view of these matters. In England, for example, the right to divorce, complete with permission for both parties to remarry, was not established until 1857, and even then it was mostly limited to the upper classes. In France and Germany, it came much later. And, as Edmund Morgan notes, "compared to a wife in contemporary England, the Puritan wife had a relatively enviable portion." Her husband could not lawfully strike her; she and he held positions of equal authority in relation to their children and servants; and, in case of divorce, she stood a better chance than her English counterpart of retaining some property.

Even the idea of divorce as a right, which Whitehead confidently (and banally) traces to the 1960s, has a longer lineage. During and after the American Revolution, a growing number of pamphleteers adopted the language of the Declaration of Independence—of the love of liberty and the hatred of tyranny and the right of every individual to some chance at unfettered happiness—to justify the practice of divorce. The same spirit of freedom that sparked the American Revolution, reasoned an anonymous essayist in 1788, "should be extended to unhappy individuals ... who are united together in the worst of bondage to each other"—"the miserable, henpecked husband," "the abused, insulted, despised wife." Even spouses petitioning for divorce let fly with the most exalted Enlightenment rhetoric.

Glenda Riley, the historian of divorce, cites a case in point: the ingenious plea for release from an evidently tiresome marriage composed by one John Christian Smith in 1791.

> Since Marriage was instituted for the purpose of promoting the happiness of individuals and the good of society, and since the attainment of those objects depends entirely on the Domestic harmony of the parties connected and their living together in a perfect union of inclinations, interests and affections, when it becomes impossible for them to remain longer united ... the good of Society, no less than the well-being of individuals requires that it should be dissolved and that the parties should be left

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free to form such other domestic connections as may contribute to their felicity.

Divorce was an expression of idealism about marriage, not a concession of realism about it. In a nation founded on the idea that it is better to dissolve an unfelicitous union than to swear a purely formal allegiance to it, divorce has long been defended with the ennobling rhetoric of freedom. Above all, though, this has meant the freedom to establish a more harmonious marriage, a marriage that would neither be corrupted by adultery nor corroded by lovelessness. "Liberty of divorce prevents and cures domestic quarrels," and thus "preserves liberty of affections," wrote Thomas Jefferson when, as a young lawyer, he prepared the divorce case of a client.

None of which is to say that divorce was widely accepted or common in the United States before our time, only that it was more widely accepted and more common than it was anywhere else. And it was becoming steadily more so. Divorced women might have been thought vulgar and divorced men caddish, but divorce itself was increasingly regarded as a necessary safety valve that preserved marriage even as it liberated individuals from lifetimes of misery. Consider, for example, the growing inventory of grievances for which divorce was the accepted remedy. Before the introduction of no-fault laws in the 1970s, the only way to get out of a marriage legally was to charge one's spouse with some egregious dereliction of duty. (Sometimes that meant ginning up the accusation with the help of fly-specked detectives or ferrety photographers prepared to stage a scene of debauch.)

In the early nineteenth century, these derelictions of duty were basically limited to adultery, desertion, bigamy and impotence. But by mid-century, as Riley shows in her authoritative history, *Divorce: An American Tradition*, many states were adding more flexible criteria, such as "drunkenness," "cruelty," "gross misbehavior," "intolerable severity." In 1845, Iowa enacted an even looser standard, permitting couples to divorce "when it shall be made fully apparent to the satisfaction of the court, that the parties cannot live in peace or happiness together, and that their welfare requires a separation between them." This wasn't quite "irreconcilable differences," but it wasn't so far off, either.

Other peculiarities of American history contributed to a greater forbearance toward divorce. The great westward migration broke up many marriages: footloose husbands lit out for the territories and were never heard from again; wives hunkered down in the family home, refusing to go west, and could be legally divorced for desertion. Among America's many utopian communities, divorce was an accepted, even an embraced, freedom. And among the upper classes, the American promise of social mobility inspired the social-climbing divorce, the strategy of arrivistes such as Edith Wharton's Undine Sprague. From the middle of the nineteenth century, a succession of easygoing boomtowns—Indianapolis, Fargo, Sioux Falls, Reno—catered to out-of-staters taking advantage of lenient local divorce laws. (When it was Indiana's turn, Horace Greeley thundered that the state had become a "paradise for free lovers.") The first self-help book on the subject, the plainspeaking *How to Get a Divorce*, appeared as early as 1859.

Thanks in part to these developments, the number of divorces granted in the United States jumped, according to Riley, from 53,574 between 1867 and 1871 to 89,284 between 1877 and 1881. Still, despite the statistics and the alarm that they might have stirred, the most accepted rationale for divorce remained the ideal of the good marriage. And the more widely diffused that ideal, the higher the divorce rate. Elaine Tyler May, a historian who has studied divorce petitions filed in Los Angeles between 1880

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and 1920, also concludes that the rising divorce rate during that period was in large part due to rising expectations of marriage. More and more petitioners mentioned their hope for a marriage that would provide friendship and love, emotional ballast and sexual fulfillment. Increasingly, marital advice manuals set a higher standard of happiness, too. Those published in the 1920s are full of tendriled, perfervid prose extolling the joys of "married love" (lots of talk about the benefits of kissing your wife's "bosoms" at the "crest of the wave of her sex tide") and suggesting that sexual frustration alone can be the death of it.

In many ways, the no-fault laws that emerged in the '70s were a culmination of centuries of American thinking about marriage and divorce. "No-fault" was actually something of a misnomer. The idea wasn't so much to expunge the idea of fault as it was to suggest that fault in marriage, like fractures in a bone, was often compound. "No-fault" is shorthand for the recognition that in a failed marriage both parties are usually at fault, so that there is no point in prolonging the pain or the expense by denying the commonality of the failure. Yes, no-fault let off the hook some people whom society would rather see on it—say, middle-aged men who traded in their middle-aged wives for aerobicized upgrades; but the new law also contained a measure of compassion for the smaller and more common tragedies of unsuitable marriage.

Moreover, in removing the necessity for lawyers and courtrooms, no-fault laws were also meant to draw the venom from the most confrontational divorces. And the less venom, the better for any children involved. (Critics of the new laws, starting with the feminist sociologist Lenore Weitzman, argue that even if no-fault has some emotional benefits, its typical financial arrangements are unfair to women. Under no-fault, they contend, fewer wives get alimony, which had functioned something like punitive damages paid to an injured party. As a result, they say, many divorced women, and their children, have been left poorer than they would have been before no-fault. Much of this inequity could be remedied, however, if child support were awarded in more of the cases in which it should be awarded, and if more absentee parents—almost always fathers—were made to pay up.) The device of "no-fault" divorce embodied, for better and for worse, the familiar American hope that, released from some of their bitterness, divorced men and women might make better, more lasting matches that brought them steadiness and joy.

None of this history matters much to Whitehead or the other new critics of divorce. They can't seem to get their minds off the macraméd depravities of the '60s and '70s. Again, they are not altogether wrong. There must be something in the history of that era that helps to explain why a divorce rate that had been rising steadily suddenly doubled between the mid-'60s and the late '70s. And common sense tells us that the culture of personal liberation—you are you and I am I, and if by chance we find each other, it's beautiful—was not especially kind to marriage. (If by chance we marry each other and divorce each other, it's beautiful, too.)

An ethic of indulgence certainly does not deserve to hide behind the more strenuous moral and social reflections of, say, Thomas Jefferson. Yet ultimately the fixation on "the ideology" of the '60s is far too narrow to be of much use. It leads to the unhelpful assumption that the divorce "culture" runs only as deep as the therapeutic culture of the '60s and '70s, and thus it is not all that difficult to undo. And it focuses attention much too exclusively on the language of self-help books and the like, exaggerating their real influence while neglecting much bigger social and economic forces.

Whitehead is right, of course, that the '70s brought a bumper crop of smarmily reassuring books with titles such as *Creative Divorce: A New Opportunity for Personal Growth.* Written by self-styled "divorce therapists" and "pioneers in the field of divorce recovery," they tended to describe divorce as, in Whitehead's words "a journey ... from sickness to health." Their estimation of its effects on children, meanwhile, suggested something like the emotional equivalent of a hot tub burn. (For the movie version, see Paul Mazursky's *An Unmarried Woman*, in which the newly divorced Jill Clayburgh blossoms swiftly into guilt-free self-awareness, has great sex with a soulful downtown artist and even takes up ice-skating.)

But the most extreme of the divorce-as-personal-triumph books were soon overtaken by more sober treatments. Whitehead's most egregious examples of the genre are from the 1970s. These days, however, an abundant sociological literature on the children of broken homes has darkened our view of divorce. (See below.) And even the pop-psych books tend to wax heavy-hearted, with titles such as *Difficult Questions Kids ask About Divorce* and *How to Get Divorced Without Ruining Your Life.* We are certainly a long way from *Creative Divorce* by Mel Krantzler, and this Krantzler was anyway a long way from most of us.

The fact is that the number of people who actually read such books, let alone felt that they offered an accurate reflection of their own feelings about divorce, was never great. To take an interest in them, you had to be psychologically inclined and at ease with the language of self-esteem, personal growth and (to a lesser extent) feminism, which as a practical matter tended to mean that you were white, educated and middle class. Even while many self-help publications upheld the notion of "expressive divorce," plenty of popular books and magazines (*The Ladies Home Journal*, for one) upheld the notion of expressive marriage. In fact, pop-psych language is agnostic on the subject of marriage and divorce. Popular marital counseling programs such as Retrouvaille and PAIRS (Practical Application of Intimate Relationship Skills) dedicate themselves to saving the most threadbare of marriages. They draw heavily on twelve-step and self-help rhetoric—and yet they view marriage, not divorce, as the best answer to the claims of the self.

So if the triumph of pop-psych doesn't quite explain the increased divorce rate of the '60s, what does? Anyone who keeps only to the cultural realm in answering that question, as Whitehead and many other critics do, will come up short. They will ignore perhaps the most important factor of all: the growing economic independence of women. After all, the greatest single change in the lives of most American women in the 1960s and 1970s was not the advent of consciousness-raising or the proliferation of self-actualizing therapies or the release of *Tapestry.* It was their entry, in large numbers, into the workforce.

The strains that women's entry into the workforce put on many marriages, as women and men adjusted to new and more fluid roles, cannot be gainsaid, however gratified one may be by the new order of things. At least as important, though, is the fact that many more wives can now imagine surviving economically on their own, and so have much less incentive to stay in lousy marriages. Since women are more likely than men to initiate divorce, and have been so for much of this century, any change in their status that makes it easier for them to walk out the door will inevitably jack up the divorce rate.

There were at least two important changes of this kind. The first, which began gradually in the late nineteenth century and continued into the twentieth, was the growing tendency of courts to award custody of young children to their mothers, under what was known as the "tender years doctrine." (This was the assumption that children under the age of 12 or so were better off in the care

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of their mothers.) Before then in America and for much longer in England, children of divorced couples were regarded as the property of their fathers, who therefore almost always retained custody of them and could legally bar them from ever seeing their mothers again. A more powerful deterrent to divorce for a woman with children can scarcely be imagined. And the second and more sudden change was the unprecedented increase in the number of women working outside the home.

Why Whitehead and other communitarian critics of divorce are so reluctant to acknowledge this is hard to say. Maybe they don't want to sound retrograde. They know that most Americans would not want a massive female retreat to the home, or could not imagine how it would occur. Then, too, they are writing polemically, with the object of reversing "the divorce revolution." How much more plausible that goal sounds if you can pin the blame for climbing divorce rates on no-fault laws or trendy therapies, rather than on something as widely accepted as the expectation that women will work, or as deeply entrenched as time-honored American notions of marriage.

II.

Divorcephobes such as Whitehead are not interested only in establishing the provenance of our high divorce rate. They also want to make clear that divorce is, for those it touches, a disaster. When it comes to adults, however, that is a difficult case to make. Again and again, divorce researchers have found that relatively few divorced men and even fewer divorced women harbor any real regret about ending their marriages. Ten years after they had split up, for example, half of the men and 80 percent of the women in Judith Wallerstein and Sandra Blakeslee's *Second Chances*, an otherwise bleak study of the damage wrought by divorce, "affirmed" their decision. "Whether or not they are satisfied with their current lives," write Wallerstein and Blakeslee, "they are happy to be out of their former marriages." And, according to the most recent figures from the National Center for Health Statistics, 47 percent of divorces do not involve minor children. So, even if you grant that many divorces are the choice more of one partner than the other, this still means that almost half of all divorces cannot be said to have claimed victims. All of this tends to undercut the monolithic case against divorce, so you will find little mention of it in the anti-divorce movement's chapbooks.

What you will find is an abundance of statistics on divorce's terrible consequences for children. Here the case is much, much stronger. Over the past decade or so, a steady drumbeat of studies has shown that children of divorce have more trouble in school, greater tendency to depression and other emotional disturbances, and more likelihood of getting seriously off-track in late adolescence (by dropping out of high school or getting pregnant) than children whose parents stay together. The sociologists Sara McLanahan and Gary Sandefur have written one of the more judicious and reliable recent studies, *Growing up with a Single Parent: What Hurts, What Helps*, and they conclude:

> *Children who grow up in a household with only one biological parent are worse off, on average, than children who grow up with both of their biological parents, regardless of the parents' race or educational background, regardless of whether the parents are married when the child is born, and regardless of whether the resident parent remarries.* Compared with teenagers of similar background who grow up with both parents at home, adolescents who have lived apart from one of their parents during some period of childhood are twice as likely to drop out of high school, twice as likely to have a child before age twenty, and one and a half times as likely to be 'idle'—out of school and out of work—in their late teens and early twenties.

For most children, the fallout from divorce is immediate and undeniable. The beleaguered single parent with whom they live (almost always the mother) is likely to have less time and fewer emotional resources to devote to them; and the parent with whom they no longer live (almost always the father) may slip out of their lives altogether. According to one national survey, close to half of all children from divorced families have not seen their non-resident father in the past year; and only one in six see him at least once a week. Moreover, the children's standard of living often plunges. About 40 percent of the kids eligible for child support have not been legally awarded it, and a quarter of those who have been awarded it don't receive it. Besides, households headed by single mothers are almost by definition poorer than those headed by men or by married couples. Becoming part of a step-family may brighten a child's economic prospects, but it is no guarantee of long-term stability. Step-families carry their own depth charges, and anyway half of all remarriages break up, too.

Whatever quibbles one might have with individual studies, in other words, the preponderance of evidence clearly suggests that divorce takes a heavy toll on many children. Still, it is important to note—if only because the anti-divorce forces never will note—that some of these statistics are less than what they seem. For a start, so many of the key studies were carried out without the benefit of a control group. Consider Wallerstein and Blakeslee's oft-cited book. It features in-depth interviews with 121 kids of divorced couples. Their conclusion is that "almost half of the children entered adulthood as worried, underachieving, self-deprecatory, and sometimes angry young men and women." But since they offer no data on kids from comparable backgrounds whose parents did not divorce, it is impossible to know how much of this malaise to blame on the divorce, and how much on adolescence, or the zeitgeist, or the moon.

But the real problem with such studies is that the perfect control group, the ideal study, cannot possibly be designed. The ideal study would start by taking a group of kids whose parents had divorced and see how they were doing five or ten years down the line. But then, entering the realm of fantasy, it would take the same group of kids and see how they would have fared had their parents stayed together. Since most families that stay together are presumably more harmonious—less troubled in all kinds of ways—than most families that break up, even comparing the kids of divorced parents to the kids of married parents is misleading. (As Sandefur and McLanahan note, "we know that families with an alcoholic or abusive parent or families where there's a lot of conflict are more likely to break up than other families.") It would make more sense to compare the kids of divorce to those of unhappy but "intact" families. But few such studies have been undertaken. They are tricky, since they assume the existence of some reliable, quantifiable measure for marital unhappiness. The studies that do exist, though, strongly suggest that children whose parents remain together in "high-conflict" marriages are no better off, and are in many cases worse off, than children whose parents divorce.

And that is the common sense view, too. Parents who make each other's lives a snarling misery probably won't make their children's lives a bower of happiness. (The kids are afraid of Virginia Woolf, that's who.) The anti-divorce forces aren't so sure, though. They concede that in cases of physical violence between spouses, or of constant fighting over many years—they like to call it "sustained, high-level conflict"—children may be better off if their parents split up. But they point out, reasonably, that divorce does not always pull the curtain down on nasty scenes between couples.

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Moreover, they seem convinced that, with the exception of a few brutal outliers, divorce occurs because husbands or wives get bored or restless. In this schematic view of marital dystopia, there are really only two bases for divorce: the rare and legitimate (physical violence) and the common and illegitimate (peevish ennui).

You can see the attraction of this polarity. Morally speaking, it is one thing to condemn a person who ditches a spouse and deprives a child out of vague mid-life torpor, and quite another if he or she does so out of deep emotional estrangement or the inescapable conviction of having made a terrible choice of life partner. Yet surely these kind of motivations account for many divorces. A vast territory lies between boredom and brutality, a territory bleak and thorny with emotional snares in which children, too, can be caught. Even Wallerstein and Blakeslee admit that "the fact is most divorces with children are not impulsive. People may be lonely and wretched for years before summoning up the courage to separate, and most worry about the effects on their children."

Besides, the anti-divorce forces may well underestimate the number of marriages that even they would consider terminal. Whitehead and others cling to the statistic that "about 10 to 15 percent of marriages ending in divorce involve high-level conflict and violence." It is not at all clear where that rather arbitrary figure comes from; more neutral divorce researchers seldom offer such ambitious conjectures about the general run of marriages ending in divorce. When they do make estimates, based on their own limited samples, they are likely to come up with a larger percentage of "high-conflict" marriages. In Wallerstein's study, which involved educated, middle-class families in northern California, nearly a quarter of the divorcing couples reported violence in their marriage.

Finally, there is the danger—tempting for both divorcephobes and statisticians, apparently—of considering single-parent families as one indiscriminate mass. But not all broken families are broken in the same way. What, after all, does the child of middle-class divorced parents—the intensely counseled northern Californians of the Wallerstein study, for example—have in common with, say, the child of a crack-addicted, never-married teenaged mom? Sociologists often compare the kids of single parents with the kids of married parents, without regard to how the single parents got that way in the first place. (Those that do find that children born out of wedlock are more likely, for example, to drop out of school than children of divorce, though both are more likely to drop out than children of still-married parents.) Neocons such as Maggie Gallagher lump them together as casualties of the same moral malady.

Whitehead, too, seems just as angry that children are raised in what she calls "love families"—Murphy Brown-ish setups where middle-class people indulge the fantasy that gloppily expressed affection and the latest from Baby Gap can make up for the absence of a father—as she is that they are raised by teenaged moms on welfare. This is preposterous. The horrors of the inner city are too great, and too intractable, and too unprecedented in our history, to support the phobia about divorce. Even if you grant some moral equivalence between, say, a corporate lawyer dad who stints on child support and a ghetto dad who cuts and runs, that tells us next to nothing about the comparative plights of their kids. Divorce is only one factor, and not even the most important one, among a whole constellation of factors that determine, say, a child's educational prospects. (The single most reliable predictor of those is the education level of his or her mother, which in many cases is another way of saying his or her class background.)

Divorce researchers, even those whose findings are pessimistic, regularly offer provisos such as these. In an article in 1991 in which they distilled the findings of some ninety-three studies on divorce and children, sociologists Paul Amato and Bruce Keith concluded that divorce did have "detrimental effects" on children when it came to school achievement and psychological adjustment; but they added that these effects "were relatively modest." And they noted that the more methodologically sophisticated the study—the more variables it controlled for and the more subjects it included—the smaller the differences it found between kids of divorced parents and kids of married parents.

More broadly, Sandefur and McLanahan pose the question of whether single motherhood is "the root cause of child poverty, school failure, and juvenile delinquency?" Their findings, they write, "lead us to say no. While living with just one parent increases the risk of each of these negative outcomes, it is not the only, or even the major, cause of them." During the 1980s, for example, "the dropout rate was 19 percent overall and about 13 percent for children living with both parents. Clearly, most school failure is being caused by something other than single motherhood." But if divorce researchers are willing to sound cautionary notes such as these, which only add credence to what is essentially a discouraging picture, divorce polemicists seldom are. For them, in the end, the monolithic, monocausal explanation serves just fine. They pay lip service to the idea that divorce with children is a far different and more troubling phenomenon than divorce without children, which indeed it is; but they lose interest in that difference, and they are content to condemn divorce full-stop.

III.

Any argument about the evils of divorce rests, ultimately, on a vision of the good marriage. This is especially true for the current cohort of divorcephobes. They are not interested in compassionate reforms to soften the impact of divorce on children—stricter enforcement of child support payment, for example—so much as in drastically reducing divorce in the first place. Their goal is to make American marriages impervious to divorce. That is a little like trying to make stockings impervious to runs. It can probably be done, but only by coarsening the fabric.

For the new anti-divorce writers, the delicacy and the complexity of the American ideal of marriage, its audacious fusion of egalitarian companionship and romantic love, is a liability. Romantic love as a force that transcends the law, in the view of Gallagher and others, is a "sentimental" and "superficially idealistic" notion. Marriages can and should be welded together with harder stuff: duty, for instance, and money. Thus Gallagher complains that "if money in any way holds a marriage together, we believe then the marriage must be bad, vulgar, cynical, untrue.... If money is what is holding a marriage together, then it would be better to make other economic arrangements and allow the marriage to fall apart." And Whitehead chides the "marriage experts" who first propounded "an abiding faith in love as the only authentic basis for marriage."

We sentimental Americans, writes Gallagher, have taken a "vision of love as a purely and continuously voluntary association of individuals and imported it into marriage. We have managed, in other words, to make marriage indistinguishable from free love. This is a remarkable achievement, for historically free love was not marriage's twin, but its great opposite." This is a nonsensical exaggeration. There is no such thing as "free" love, just as there is no such thing as a zipless marriage. Every marriage depends on compromise, sacrifice, patience, restraint. And to the extent that it is true, to the extent that Americans think of marital

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love as a commitment freely entered into and freely renewed, how bad can that be? If marital love and "free" love now overlap, isn't that a triumph of bourgeois virtue? Aren't the marriages that last the better for it?

It is hard to imagine this anti-divorce vision of marriage doing a whole lot to boost the nuptial cause. Who wants to be a disabused bride or groom? (The anti-divorce writers, you might say, are guilty of spousal disabuse.) With its joyless tsk-tskery about romantic love, its sanctimonious tributes to the sackcloth and ashes of a bad marriage, their vision is not exactly irresistible. The divorcephobes admire Japan, where divorces are indeed uncommon—but so, by most accounts, are openly affectionate marriages, or even marriages in which husband and wife spend much time together. They admire people who perversely settle down into what sound like mockeries of marriage, yoking themselves to spouses whom they have ceased to love or respect. (By their lights, almost the entire tradition of the novel is just a lot of troublemaking nonsense. What was Emma Bovary complaining about, anyway? The poor thing died of premature self-actualization.)

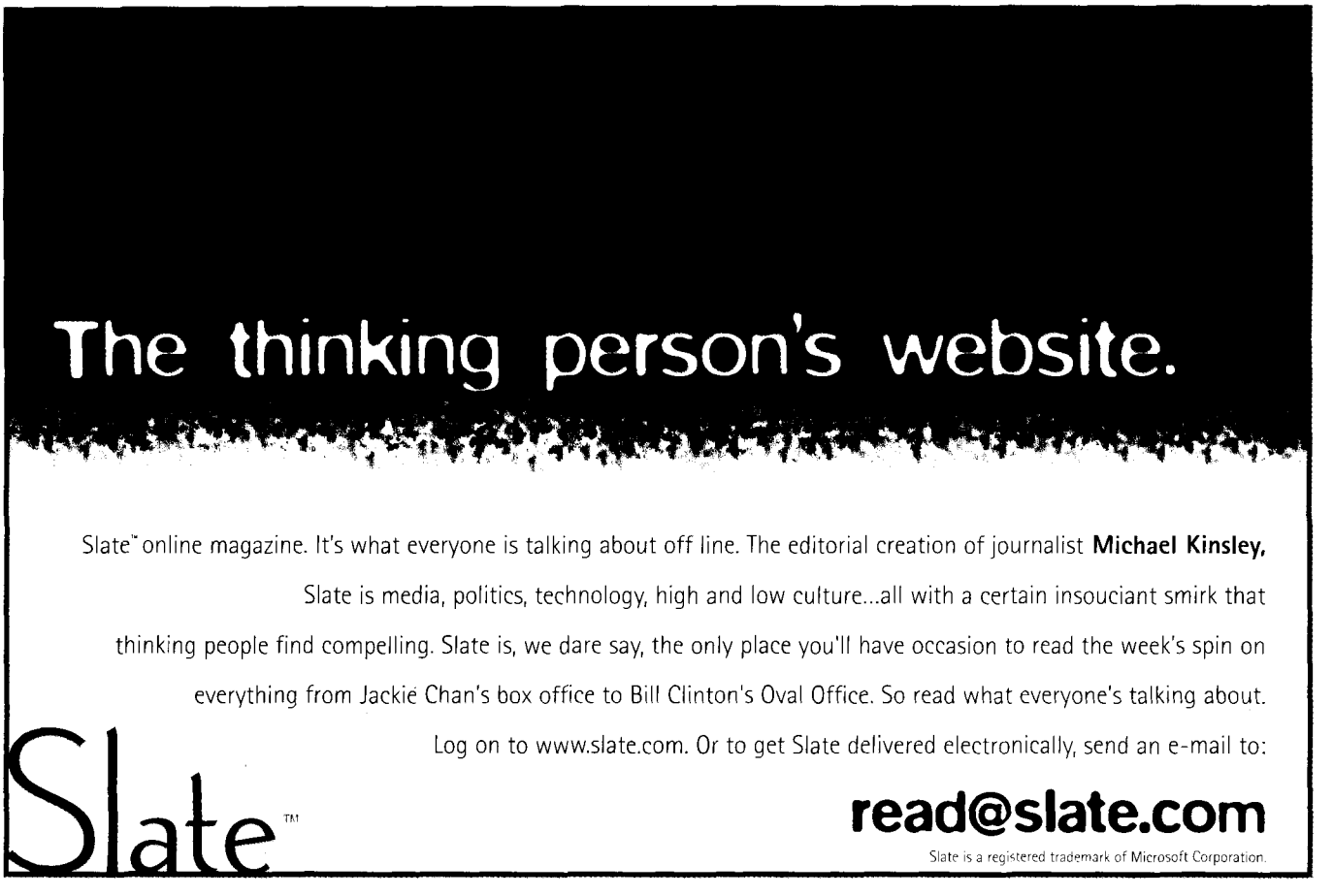
The critics of divorce are forever telling what are clearly meant to be morally heartening stories about husbands and wives (usually wives) who decide to stick it out with the jerks they married. But they don't seem to realize how hollow their exempla ring. There's Marie, for example, who, as Gallagher tells it, wants to leave her husband Mark. And who can blame her? In his late 20s, Mark went back to grad school, where he "drank heavily on occasion, dabbled in cocaine, and propositioned more than one young coed." Later, though Mark has trouble finding or keeping a job, and though Marie "endure[s] many more failures of love at his hands," they stay together because, as Mark puts it, "it was the white, upper middle class, Christian Republican thing to do." Eventually they are rewarded by finding some facsimile of love again. Gallagher declares the spectacle a "moving tribute to ... strength of character." Well, maybe. I don't know Mark and Marie. It might have been more of a tribute to his or her strength of character if Mark had shaped up or Marie had shipped out. To what extent ought their kind of story be turned into a fable for the rest of us?

The same goes for the creepy little tale that opens a recent issue of *The American Enterprise* magazine devoted to divorce. Karl Zinsmeister, the editor, introduces us to Kevin, an acquaintance who sells cars. When Kevin starts an affair with a secretary at the dealership, his employer intervenes. And rather aggressively, as the admiring Zinsmeister explains.

> They know Kevin's wife, who is willing to take him back. They offered to give Kevin time off from work so the two of them could work their problems through. They offered to pay for them to take a trip together. They offered him money for counseling. They told Kevin that saving his marriage was worth it, and important to them as his employer.
>
> And when Kevin refused their offers of help, they fired him. And the secretary he was consorting with. They contested his application for unemployment benefits on the grounds that he hadn't been laid off but rather dismissed for refusing to follow company standards of personal conduct. In our small town, I'd say there's a pretty good chance they let other potential employers know what they thought about the man.

Poor Kevin. I had to read the article several times before I realized that Zinsmeister was presenting this disturbing tale—Shirley Jackson by way of Lee Kwan Yew—in a positive light. He was happy to see a private company assume the role of morally vetting and socioeconomically punishing the personal conduct of its employees.

The anti-divorce movement is big on this sort of thing. Marriage, we are instructed, is about more than two people, and so the "community" must tromp in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to shore it up. And that might work, if the community that communitarianism fetishized actually existed—if, for example, couples lived in the bosom of snoopy extended families and concerned neighbors, all with elaborate financial, social and religious investments in keeping them married. But outside of a few immigrant cultures, most Americans never lived in large extended families. (Outside of a few totalitarian societies, few people have lived at all placidly amid such intrusive neighbors.) And the general and seemingly irreversible trend in American social life has been toward greater social isolation (and individual freedom and privacy)—a trend that reached its apogee in the suburban migration of the '50s, the very decade for which anti-divorce types are so nostalgic.

Which tends to leave the divorcephobes with practical suggestions that sound either Orwellian—such as private employers stepping in for the failed community—or just unlikely and unappealing—such as Michael Medved's proposal in the same issue of AEI magazine to banish honeymoons. Why? They put too much emphasis, Medved says, on husband, wife and sex; and they do not sufficiently prize the community and "higher purpose." Medved would prefer an ecumenical version of *Sheva Berachos*, or "Seven Blessings," the traditional Jewish custom in which the bride and groom spend seven days eating grand meals (and making seven marital blessings after each one), greeting delegations of relatives, and unpacking appliances—kugeling in Queens instead of canoodling in Virgin Gorda. And why stop at the seven blessings? We could also reinstitute the charivari, the tradition of banging pots and making barnyard noises underneath the bride and groom's window on their wedding night as a way of emphasizing the community's interest in their having sex. In the absence of a community that believed in such rituals, however, I'm not sure how popular it would be.

It's odd: for all their talk about strengthening marriage, the anti-divorcers have almost nothing to say about the love between husband and wife. In fact, they frequently write in the icy, off-putting tone of the social engineer. For them, marriage is primarily a social institution, designed for the efficient rearing of children, and for the transmission of values. Marriage is these things, of course; but it is also, and fundamentally, a sacrament between two people. Surely something is lost in a vision of marriage that is so willing to make do with the mere appearance of love between its protagonists, that seems to set so much store by the preservation of norms and forms and so little store by the heart. Not the therapeutic heart. The human heart.

A couple that marries so one of them can get a green card, or (as Peruvian law allows) so that a rapist can expunge his crime by wedding his victim—it's hard to find anything in the polemics against divorce that would definitively exclude such matches from the respect that they accord all legal marriage. If love is not the crucial element, after all, then many other things can be.

These writers who make a career out of paradise lost could do worse than have another look at John Milton. "Marriage," he wrote,

> is a covenant the very being whereof consists not in a forced cohabitation and counterfeit performance of duties, but in unfeigned love and peace ... love in marriage cannot live nor subsist unless it be mutual; and where love cannot be, there can be left of wedlock nothing but the empty husk of an outside matrimony, as undelightful and unpleasing to God as any other kind of hypocrisy. So far is his command from tying men to the observance of duties which there is no help for, but they must be dissembled. If Solomon's advice be not over frolic, "Live joyfully," saith he, "with the wife whom thou lovest, all thy days, that is thy portion. How then, where we find it impossible to rejoice or to love, can we obey this precept? How miserably do we defraud ourselves of that comfortable portion which God gives us, by striving vainly to glue an error together which God and nature will not join...?

And then Milton explained what all the anti-divorce writers so seldom concede. "It is less a breach of wedlock to part with wise and quiet consent betimes, than still to soil and profane that mystery of joy and union with a polluting sadness and perpetual distemper; for it is not the outward continuing of marriage that keeps whole that covenant, but whosoever does so most according to peace and love, whether in marriage or divorce, he it is that breaks marriage least."

All this wisdom appears in "The Doctrine and Discipline of Divorce," Milton's great essay of 1643. It is not a long work. Come to think of it, it's just the right size for a honeymoon.•

The Dualist

BY TONY JUDT

Whittaker Chambers by Sam Tanenhaus

(Random House, 638 pp., $35)

In the fall of 1993, Maria Schmidt, a young Hungarian historian in Budapest, phoned me in New York. She had a question. "Tell me about 'Alger Hiss'?" I explained as briefly as I could. She laughed. "You mean that there are people in the United States who still believe that he was telling the truth?" Certainly, I replied, and not least among my fellow professors. "In that case," she said, "I am going to send you something that I have found." Schmidt is a historian of contemporary Hungary. She had gained access to the wartime and postwar archives of the Hungarian Communist Party, and there, while combing through communications and reports that passed between Hungarian secret policemen and Communist Party leaders, she had come across the name "Alger Hiss" a number of times. Assuming it to be an alias—the Hiss case does not figure prominently in European history lessons—she was surprised to discover that a man had actually existed by that name (and was at that time still alive). Schmidt's evidence has since been corroborated by material retrieved from Soviet and American government sources. For those who do not believe in fairies, the Hiss affair is now closed.

What remains is the altogether more interesting case of Whittaker Chambers. The events that brought Whittaker Chambers to public notice are well known, and in a fascinating biography Sam Tanenhaus recapitulates them in gripping detail. A courier for the Communist underground from 1932 until 1938, Chambers "defected" from the party and told his story in 1939 to Adolf A. Berle Jr., an assistant secretary of state in the Roosevelt administration and the president's liaison for intelligence matters. Berle passed along Chambers's information, which included the names of the party's sources in the American government, among them Alger Hiss, a ris-

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ing star in the State Department who had served in the early Roosevelt years in the Agricultural Adjustment Administration.

For some years nothing more was done, though Chambers was investigated and interrogated by the FBI in 1941 and again after the war. Then, in July 1948, the House Un-American Activities Committee (HUAC) called Elizabeth Bentley to testify. Bentley, who had succeeded Chambers as the underground Communist courier in Washington, D.C., offered testimony which for the first time corroborated Chambers's earlier information.

Chambers was called before the committee. His own testimony implicated Alger Hiss and seven others as members of a Communist network operating in the inner circles of the New Deal administrations. At that time, Chambers did not claim to have knowledge of any espionage undertaken by the group, nor could he furnish documentary evidence in support of his testimony. Belonging to the Communist Party in the 1930s was not in itself a criminal activity.

Hiss, too, was called to testify before the committee. He made a good showing and denied ever having known Chambers. In later sessions Hiss conceded that he had indeed known him "under a different name"; and Hiss's own version of their meetings in the 1930s contained a number of contradictory details. All the same, a series of encounters between the two men, in closed and open sessions of the committee, did little to advance the case against Hiss. But when Chambers repeated his charges—that Hiss was a Communist and might still be a Communist—on a radio program, without benefit of the legal protection afforded by the House hearings, Hiss (confident that Chambers had no proof with which to back his assertions in court) sued him for slander on September 27, 1948.

Obliged now to come up with something more than his recollections, even if they were confirmed by at least one other ex-Communist witness, Chambers finally recanted his earlier denial and affirmed that Alger Hiss and others had been engaged in espionage. He backed up his claim by retrieving from their hiding place documents and microfilms that he had stashed away at the time of his apostasy in 1938 as insurance against Soviet retribution. This material was temporarily re-buried in a hollowed out pumpkin on Chambers's farm (hence the notorious "pumpkin papers") before being dramatically offered up to HUAC in evidence. HUAC then passed the material, reluctantly, to a grand jury, and on December 15, 1948, Alger Hiss was indicted on two counts of perjury: for denying under oath that he

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had seen Chambers after January 1, 1937, and for claiming, also under oath, that he had never transmitted government documents to him. On both these points, the evidence of the new material was decisive. Hiss could not be charged with espionage, since the statute of limitations had passed, but the charge of perjury stood in for such an accusation.

Hiss's first trial, which lasted from June 1 to July 8, 1949, ended in a hung jury. A second trial began on November 17, 1949, and lasted until January 21, 1950, when Hiss was unanimously found guilty of perjury and sentenced to five years imprisonment. He eventually served forty-four months. For the rest of his long life (he died last autumn), Hiss maintained that he was not guilty. His application for a retrial was refused, but for many people his protestations of innocence rang true. The onus, it has sometimes seemed, was on Chambers, and on his supporters, to show why Hiss would continue to deny the charges if they were true, and to provide more than just a few documents and a partially damaged microfilm. Many suggested that there had been a miscarriage of justice, a frame-up, a conspiracy.

As Tanenhaus demonstrates convincingly, the proof is now overwhelming. The material evidence itself was damaging enough, not to mention Chambers's memory of copious crucial details about Hiss and his activities, and nobody has successfully called it into question. The idea that the whole charge was concocted in the overheated atmosphere of the postwar years was laid to rest by those, such as Sidney Hook, who recalled Hiss being named by Chambers in private conversation as early as 1938. Allen Weinstein concluded in *Perjury: The Hiss-Chambers Case* in 1978 (an updated edition of his fine book will appear soon) that on the evidence then available "Alger Hiss [was] guilty as charged." Since then, the government has released the Venona traffic—cables to Moscow sent by Soviet agents in the United States—and they show not only that there were indeed spy networks in the American government, and that they included high-placed New Dealers such as Harry Dexter White and Alger Hiss, but also that Hiss may have been an active agent well into the 1940s. Even Laurence Duggan, a State Department official who killed himself (or was killed) on December 20, 1948, following rumors about his Communist allegiance, and whose death prompted Reinhold Niebuhr and Arthur Schlesinger Jr. to call for an end to HUAC's investigations, now turns out to have been among the agents who can be identified from the intercepted Soviet messages.

WHITTAKER CHAMBERS BY VINT LAWRENCE FOR THE NEW REPUBLIC

From recently opened Soviet archives, moreover, we have further confirmation that Chambers was telling the truth about Communist sources in the United States government and about the sort of material that they were supplying. In particular, the Russian evidence corroborates Chambers's claim that his whole group was run by a Hungarian named Josef Peters. And this brings us back to Maria Schmidt. What she found was a detailed debriefing in 1954 by Hungarian intelligence operatives of one Noel Field, a former Soviet agent in the United States, who had fled to Prague from Western Europe in 1949 to avoid extradition to America and was imprisoned for five years (without trial) in Hungary, caught in the entrails of the great Stalinist purges of the era.

Field makes it unambiguously clear that Hiss, like Field himself, was a Communist operative. Field had no reason to lie, since what he said was not for public consumption. In any case, he was telling his story to men who knew more about it than he did, and who could (and did) check it out in Budapest and Moscow. After his release, Field wrote openly to Hiss from Budapest in 1957, offering to exculpate him. Hiss politely declined. Hiss's supporters made much of this letter, but it now turns out to have been a minor exercise in disinformation, with several earlier drafts kept filed away in Hungarian Party archives until Schmidt came across them. Finally, Schmidt saw a handwritten autobiographical note for the Hungarian secret intelligence services by the same Josef Peters whom Chambers had identified, confirming everything the latter had said.

And so to Whittaker Chambers himself. In death as in life, he has been pursued by unfavorable comparisons with the man he brought down. In *The Great Fear*, David Caute's history of the McCarthy years, Chambers is described as "humped, shambling ... shifty, hesitant, podgy" while Hiss is "a gentle, inquisitive, quasi-encyclopedic gentleman." The obituaries of Hiss last November obligingly echoed the emphasis on Chambers's unprepossessing physique: "portly, rumpled," according to *The New York Times*, and "overweight and unkempt" in *The Washington Post* version. As Arthur Koestler once observed, the roles in this drama were apparently miscast. (Eleanor Roosevelt noted approvingly at the time of the first perjury trial that "one gets the feeling ... that Mr. Chambers is on trial and not Mr. Hiss.")

Chambers had few friends, owing to his solitary disposition and his renegade Communist past. He was also notorious for a lack of attention to his appearance, from his teeth to his shoes. Hiss, by contrast, was tall and handsome; he looked

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good in a suit and he could call on references from everyone from the ghost of Oliver Wendell Holmes (for whom he clerked) to John Foster Dulles. Just as Maurice Barrès had concluded from Alfred Dreyfus's Jewishness that he must be capable of treason, so Hiss's admirers inferred from his social quality that he could not be capable of treason.

And yet, as Tanenhaus reminds us, the two men were almost eerily alike in certain respects. Both came from insecure turn-of-the-century lower-middle-class families, with the Hiss clan at best one step up the unstable social ladder. Chambers's father, Jay, was a journeyman graphic artist in New York; Hiss's father worked in a Baltimore importing firm. The two men, who were born three years apart (Chambers in 1901, Hiss in 1904), suffered parallel family tragedies. Chambers's brother Richard, four years his junior, killed himself in 1926 at the age of 22, while his father died three years later, in 1929, of liver disease. Hiss's father slit his throat in 1907, when Alger was just two and a half. His brother Bosley, his senior by four years, was an alcoholic and died of kidney failure in 1926. Hiss's older sister took her own life just three years later.

Despite the patina of Harvard Law School and a glittering résumé, Hiss had a lot more in common with Chambers than contemporaries appreciated. And Chambers himself believed as much. He described Hiss in 1948 as "the closest friend I ever had in the Communist Party," and over time he came to understand their conflict as the stuff of high tragedy. In *Witness*, Chambers's extraordinary narrative of his life and his times, he claims nothing less: "At heart, the Great Case was this critical conflict of faiths; that is why it was a great case. On a scale personal enough to be felt by all, but big enough to be symbolic, the two irreconcilable faiths of our time—Communism and Freedom—came to grips in the persons of two conscious and resolute men. Indeed, it would have been hard, in a world still only dimly aware of what the conflict is about, to find two other men who knew so clearly."

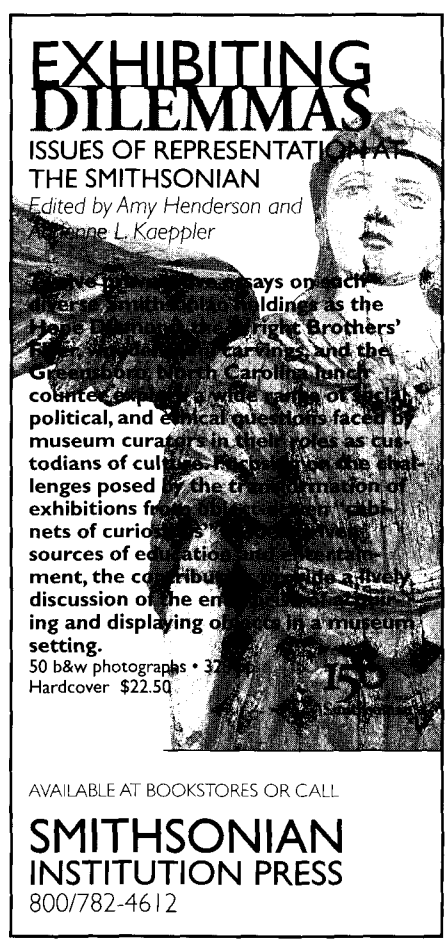
This, as Philip Rahv noted at the time, is pure bathos. And it does its author a curious injustice: he was much more interesting than that. In the early 1920s, after wandering through a series of pick-up jobs in the lower depths of New Orleans and Washington, Chambers had enrolled at Columbia University long enough to come to the notice of Mark Van Doren, who judged him to be the best of his students in that era—from a class that included Meyer Schapiro and Lionel Trilling. One of his contemporaries, Jacques Barzun, would note later that "we were convinced he would leap into fame," and Trilling himself wrote in 1975 that although Chambers was given to "large solemnities" and "portentous utterance," he had a mind that "was not without force" (high praise in Trillingese). Chambers's early writings—poems and short stories—are skillful and sometimes moving. *Can You Hear Their Voices?*, a play based on the Arkansas drought of 1931, was well received, and not only by the theater critic of the Moscow-based *International Literature*, who thought that it gave a "revolutionary exposition of the problem of the agricultural crisis and correctly raises the question of the leading role of the Communist Party in the revolutionary farmers' movement."

Chambers abandoned his literary ambitions to devote thirteen years of his life to the Communist movement. He joined the party in 1925, went underground in 1932 and worked assiduously for the cause for six more years. For him, as for so many others, the party offered a substitute for family, community and faith. But Chambers came to Communism after unsuccessful efforts to find God, one of a number of ways in which he remained an outsider even in the party. In the United States, as in Europe, the early ranks of Communism were drawn disproportionately from radicalized immigrants, many of them Jewish, for whom conventional religion was not an option, before or after their entanglement with Leninism. When they abandoned the Communist movement they tended to drift into Trotskyism, scholarly neo-Marxism, even liberal anti-Communism, as well as engagement with non-Communist labor organizations.

For Chambers, such paths of retreat were closed. It was all or nothing. This uncompromising mentality served him well when it came to understanding, ahead of most other commentators, that Stalinism was no mere perversion of the Leninist utopia, but its very essence; yet it left Chambers more isolated than ever, with few sympathizers and fewer friends. Even after the Hiss affair—during which he tried to kill himself with rat poison and thus put an end to his self-imposed calvary—he remained a loner, admired by people whose reactionary and nativist obsessions he did not share and despised by almost everyone else.

Since 1939, he had been working at *Time*, first as a book reviewer, briefly as foreign editor, and then as a senior editor of the magazine. Some of his political writings from those years have weathered well, notably a little fable from May 1945 called "The Ghosts on the Roof," in which Chambers imagined the Romanovs looking approvingly on as Stalin fulfilled their centuries-old ambitions. Yet even Henry Luce was uncomfortable with the publicity that followed Chambers's summons before HUAC, and in 1948 Chambers lost his job at *Time*. He would never again find steady work as a writer and journalist. During the 1950s, his daughter was blackballed from admission to Swarthmore (despite Chambers's own involvement with the Quakers). He died in July 1961 as lonely as he had lived.

It is understandable that Chambers should have been so hated by so many in the 1950s, and not only because of his apostasy. It was the Hiss affair that gave the decisive impetus to Joseph McCarthy and his supporters; the latter's notorious speech in Wheeling, West Virginia ("205 known Communists in the State Department"), was made on February 9, 1950, just two weeks after Hiss's conviction. And Chambers himself was not above the occasional unsubstantiated charge. In the discussion over "who lost China" he once claimed, with no firsthand knowledge, that the presence of Communist agents in Washington had "decisively changed the history of Asia." (As Irving Howe pointed out at the time, "Mao, alas, recruited his armies in the valley of Yenan, not the bars of Washington.")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But Tanenhaus, who is remarkably evenhanded in his discussion of the McCarthy era, shows very convincingly that Chambers himself was no witch-hunter. He did not initially want to appear before HUAC, and when he did appear, like Walter Krivitsky before him, he was shocked at the ignorance and the lack of political sophistication of his interrogators. He was sufficiently committed to the cause of anti-Communism to realize very quickly that McCarthy was its worst enemy, and he retained enough of his Marxism (or at least what Tanenhaus calls a "dark historicism") to see that the clever young men of the *National Review* were flying in the face of reality in their call to undo the New Deal and in their failure to distinguish between Josef Stalin and Nikita Khrushchev.

And Chambers stands out from his contemporaries in another respect as well. His literary and moral sensibilities were untainted by his political affiliations. Writing in 1957, he attacked Ayn Rand for her arrogance and "dictatorial dogmatism": "From almost any page of *Atlas Shrugged*, a voice can be heard, from painful necessity, commanding 'To a gas chamber, go!'" Two years later he wrote to William F. Buckley Jr. that "the spectacle of an artist like Paul Robeson, denied a passport by his own government, makes us traduced of other nations."

Still, even those who were forced to concede that Chambers was probably telling the truth about Hiss found his behavior inexcusable. For such people, Hiss was innocent even if he was guilty. The New Deal, receding into the glow of memory, was sacrosanct for liberals. If the idealistic New Dealer had given secrets to the Soviet Union, he had done so on selfless grounds. (No one ever suggested that Hiss received money for his services.) And was the Soviet Union really so unworthy a cause? Was it proper to read back into the atmosphere of the 1930s (Chambers's knowledge of espionage and the Communist underground was confined to that decade) the sour mood and the political acrimony of the cold war? Journalists such as Walter Lippmann, Joseph Alsop and James Reston all took up these points, neglecting to mention something already widely acknowledged in Europe, that many of the political and military secrets passed along to Moscow in the years 1934-1941 found their way fairly quickly into Nazi hands.

Others did not need to read the evidence to know what they thought about Chambers. He was an ex-Communist and perforce a man of the Right, and so he had no place in the world of American letters. Mary McCarthy, whose authoritarian proclivities were restrained only by her intellectual indiscipline, urged Hannah Arendt to do a hatchet job on *Witness*. This is not just a book to be reviewed, she told her friend: "The great effort of this new Right is to get itself accepted as *normal*, and its publications as a *normal* part of publishing—some opinions among others, all equally worthy of consideration—and this, it seems to me, must be scotched, if it's not already too late." Arendt reviewed the book, but wisely declined her friend's invitation to attack the man.

Thus there were many forms of "McCarthyism" in the 1950s. Chambers was tainted as much by association with Nixon and his colleagues as by anything he himself said or did. Few gave heed to the admonition that Koestler delivered in a lecture in Carnegie Hall in 1948. "Bad" allies, he reminded his audience, are unavoidable. "You can't help people being right for the wrong reasons.... This fear of finding oneself in bad company is not an expression of political purity; it is an expression of a lack of self-confidence." As Chambers wrote in *Witness*, anticipating precisely the reaction of people like Mary McCarthy, "It was the 'best people' who were for Alger Hiss ... the enlightened and the powerful, the clamorous proponents of the open mind and the common man, who snapped their minds shut in a pro-Hiss psychosis...."

Decades later, the pro-Hiss psychosis can still be seen at work. Laboring under the curious illusion that the moral and historical credibility of American progressivism depends upon the exculpation of Alger Hiss (and by extension of philo-communism in general), two generations of liberal intellectuals have striven to clear his name at Whittaker Chambers's expense. In 1978, *The Nation* sent a reporter to Budapest to meet the 80-year-old Josef Peters, Chambers's controller back in the 1930s, then living in retirement in Hungary. Under investigation by HUAC in 1948, Peters had taken the Fifth; but when the reporter asked him about the Hiss affair, Peters laughingly confirmed to him that the very notion of any "secret" Communist "underground" was nonsense, and that he had never been involved in anything of the sort. It is not difficult to imagine Peters's thoughts as the man from *The Nation*, duly reassured, walked away from his door; Lenin's derogatory reference to "useful idiots" has cognates in most European languages. As Raymond Aron ruefully noted back in 1950, "progressivism consists in presenting Communist arguments as though they emanated spontaneously from independent speculation."

Even today, nearly four decades after his death and with the truth of his testimony firmly established, Whittaker Chambers remains a marked man. Consider the review of Tanenhaus's book in *The New Yorker*. So far as Hiss's Communist activities are concerned, Sidney Blumenthal writes, "the room for reasonable doubt continues to shrink." Well, yes. (To nothingness, in fact.) But that is hardly the end of the matter. Blumenthal opportunistically resurrects the same charge that Alger Hiss's lawyers initially intended to pursue (and then abandoned, lest it rebound on their client): that the affair was about unrequited homosexual attraction.

As it happens, Tanenhaus deals very well with this issue. Chambers, like his father, was probably bisexual (he certainly admitted to numerous homosexual activities), and some of his youthful poetry reveals markedly homoerotic preoccupations. In the 1950s, of course, these were highly charged matters, and hints of homosexual involvement or motivation could destroy a man. Today things are different. Wrapping himself in the spurious cloak of legitimacy that may be gained by an allusion to the work of a prominent gay historian, Blumenthal reminds his readers that in the 1950s "conservatism was the ultimate closet," shielding Roy Cohn, J. Edgar Hoover, and the rest from exposure and scrutiny. Chambers, it is thereby suggested, is guilty by association with such men, who overcompensated for their hidden sexual preferences by persecuting others. Why else would he attack a man like Hiss? Thus, as so often in the past, we are led away from the evidence and the great political issues of the day toward an alleged private imperative of a disreputable kind.

Why did Chambers do it? According to Blumenthal, "his motives remain murky." But not the consequences of his actions: "Since the end of the Cold War, this conservative anti-Communism has become an anachronism. What endures is the fear of the enemy within: the homosexual menace." So Chambers must now share the blame, say, for the sufferings of gays in the military. And there is more. In case the homosexual issue lacks a *bien pensant* resonance, Blumenthal reminds us that one result of Whittaker Chambers's "outing" of State Department China experts such as O. Edmund Clubb was the latter's replacement by "the dogmatic, abstract Dean Rusk, who eventually became Secretary of State. Vietnam lay in the future, but a seed of tragedy had been planted." Thus Chambers also bears an indirect responsibility for the Vietnam War.

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This is, quite simply, a smear, 1990s-style. Blumenthal's contemptible insinuations are a reminder that there is nearly always something provincial and self-serving about the response of American intellectuals to Whittaker Chambers. Many of them cannot try, or will not try, to understand Chambers and his actions in a broader international context. For the Hiss case did not happen in a vacuum. It is exactly contemporaneous, for example, with the trial in Budapest in 1948 of László Rajk, the first of the great postwar showtrials that served as cover for a purge of prewar underground Communists. Hence the interrogation of Noel Field and the references to Hiss in East European archives.

The Hiss affair was also a remarkable echo of the Kravchenko and Rousset affairs in France. In 1946, Viktor Kravchenko, a mid-level Soviet bureaucrat who had defected to the United States, published *I Chose Freedom*, his account of the real workings of the Stalinist autocracy. A French Communist periodical, *Les Lettres Françaises*, published an article in November 1947 claiming that the book was an American fabrication, and that the details it gave of life in Stalin's Russia were a lie. Kravchenko sued for libel and produced a string of witnesses to confirm his story. He won his case and symbolic damages, but for the vast majority of French intellectuals he remained for many years guilty of the more serious crime of slandering the Soviet Union and its French supporters.

In November 1949, in the same week that the second Hiss trial began, David Rousset, a survivor of the German camps, wrote an article in *Le Figaro Littéraire* describing the concentration camp system in the Soviet Union. The same Communist periodical accused him of inventing the whole thing, and he, too, sued for libel. Among the witnesses he produced was the remarkable Margarete Buber-Neumann, a former German Communist who had spent three years in the Soviet forced labor camp at Karaganda before being handed to the Germans in 1940 and spending the war years in Ravensbrück. Buoyed by her testimony, Rousset won his case as well, but with no discernible impact upon the philo-Soviet sensibilities of a significant sector of the French intelligentsia.

Nobody, to my knowledge, has suggested that Margarete Buber-Neumann, David Rousset, Viktor Kravchenko or the many other European ex-Communists who spoke out about Stalinism in the 1930s and 1940s—men and women such as Victor Serge in Russia, Ruth Fischer in Germany and Ignazio Silone in Italy, not to mention Arthur Koestler—were driven by some peculiar combination of *ressentiment* and repressed sexuality to betray former colleagues, embarrass friends or avenge themselves upon an inhospitable world. Like Chambers, however, they sacrificed something for speaking out, and they were execrated by their erstwhile comrades on the intellectual left. Nor have European progressives been as keen as their American counterparts to repress the thought that there might actually have existed a secret Communist underground. As Koestler noted, the fact that such claims were made by people who are distasteful doesn't make them untrue. Even in Britain, where Communism was never more than a minority predilection, it has not occurred to many people to imagine that the now-notorious spy network recruited among Cambridge undergraduates in the 1930s was an invention of the right.

Whittaker Chambers himself felt some affinity for his European counterparts, who had a better understanding of his background and his dilemma. In 1959, he returned from one of his rare trips abroad exhilarated from a meeting in Austria with Koestler and Buber-Neumann. "We," he wrote to William F. Buckley Jr., "are almost the only survivors—the old activists who were articulate, consequent revolutionists and *not merely agents.*" (My italics.) Like Ignazio Silone, he was convinced that only Communists and ex-Communists could truly understand each other, as one another's only true and worthy opponents. Certainly, Chambers was giving himself airs here—or, rather, clinging desperately in his last years to the idea that he belonged to a select group of historically important individuals and was not just the renegade informer that American intellectuals took him for.

Still, he had a point. Even so subtle a critic as Irving Howe, when reviewing Chambers's autobiography in 1952, could not help faulting him for tarring Lenin with the Stalinist brush. Stalin was not Lenin's ideological heir, wrote Howe, but the maker of a "new bureaucratic ruling-class." Howe on this occasion was toeing the Trotskyist line, drawing a crucial theoretical distinction in order to preserve the Leninist heritage. Chambers did not have to encounter that sort of face-saving ideological maneuver among his European peers, who had seen Leninism close-up and suffered no such "revisionist" illusions.

Chambers's admiration for the Europeans was in some measure reciprocated. Koestler described *Witness* in 1953 as "a great book, in the old, simple sense of greatness"; and even before its ap-

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pearance Richard Crossman had invited its author to contribute to *The God That Failed.* (Chambers declined the invitation.) What these men and others found in Chambers was an unusual degree of moral courage— Trilling described him as "a man of honor"—and occasional bursts of almost Orwell-like insight, as when he writes of progressive intellectuals that "fundamentally benevolent and humane, they loved their fellow-countrymen in distress far more than they could ever love them in prosperity."

And yet, whatever the degree of mutual respect and sympathy that bound him to his European peers, he was not "one of them." As his biographer shows with care and understanding, Whittaker Chambers was utterly American. It is not for nothing that he called his autobiography *Witness.* He had a tragic worldview, morbid even, framed by a bitter and unhappy childhood and a lifelong search for an all-embracing, all-sustaining creed. All mortal questions for Chambers depended upon finding the answer to one transcendental and ultimate question. In Communism, he found a version of that answer, the key to the human condition, and in contrast to most ex-Marxists he never really abandoned it. His descriptions of politics as a battle between the forces of good and the forces of evil; his eschatological evocations of the coming struggle between freedom and enslavement; his account of human history since the Renaissance as a hubristic assertion of the centrality of man for which a price must now be paid: all this is a one-dimensional version of the Manichean creed of Leninism held up to the mirror of a renascent religious fervor.

When he wrote that the Hiss case had "religious, moral, human and historical meaning" Chambers was not grandstanding. He really meant it. And he thought that it was true for Alger Hiss too, which is why he raised his opponent, in his own imagining, to a plateau far higher than Hiss deserved. Chambers's insistence on describing Hiss's dishonesty as self-sacrifice is the best clue to his own fundamental inability to grasp the truth about the communist ideal to which he had once devoted himself: that it meant more to him than it did for many of the others. It was this quasi-theological transubstantiation of Communism that made Whittaker Chambers so much an American figure. The educated, secular, cosmopolitan, disabused skepticism of his European friends would have kept them from coming to such pleasingly redemptive conclusions.

Sam Tanenhaus is to be congratulated on having captured so sympathetically the complexities of this troubled man. His book reads at times like a thriller, and he tells the story of the hearings and the trials with great verve and skill. He is fairer to all parties concerned than anyone else whom I have read on these matters. All this would be for naught, of course, if Tanenhaus had somehow missed the man himself. He hasn't. You cannot read this book without feeling for this solitary, unhappy character, an insecure autodidact with the sensibility of a mystic, who "hung always upon the curse of himself," as he wrote to his children in the preface of his book.

Chambers's tragedy was that his years in the entrails of the Communist movement were the high point of his life. He remained obsessed with the 1930s, he saw his own and humanity's history through the prism of the choices and the commitments of that decade, and he was crucified for that obsession by generations to come. He really did feel a duty to bear witness, but he suffered deeply for the pain and the publicity that he brought upon himself, his family and his former friends. Tanenhaus shows just how greatly Chambers agonized over whether to tell what he knew, and it is hard to resist the thought that there is an element of classical tragedy in this otherwise unremarkable man trapped in an unforgiving era. He, too, must more than once have rued his self-assigned condition: "The time is out of joint. O cursed spite/ That ever I was born to set it right."

TONY JUDT is the Director of the Remarque Institute at New York University and the author most recently of *A Grand Illusion? An Essay on Europe* (Hill & Wang).

What Henry Knew

BY RICHARD JENKYNS

Henry James: The Young Master by Sheldon M. Novick

(Random House, 550 pp., $35)

Sheldon Novick ends his book just after his hero has published *The Portrait of a Lady,* 38 years old, with almost half his life still ahead of him. Novick does not reveal whether he intends to carry the story further. He is such an accomplished biographer that we must hope that he does; but meanwhile his "half life"—a little like John Clive's *Macaulay: The Shaping of the Historian,* which ends just before its subject begins his *History of England*—offers us the chance to think about Henry James in a fresh way.

One should always be suspicious of biographies which start with the subject's funeral—as though the life had been fitted to a predetermined length and pattern, with death coming as the proper consummation, at the artistically right moment, at the close of the fifth act. We know that real life is not like that. Suppose that James had been run over by a hansom cab in Piccadilly in 1882. How would we have seen him then? *The Portrait of a Lady* would no longer be a work of early maturity, like *Hamlet* or the Eroica Symphony, but a "late" work, like Mozart's *Requiem* and *The Magic Flute,* or the last quartets and sonatas of Schubert, all the products of men in their 30s.

But Novick is good at what he does, and his moment of ending is not arbitrary. For he shows that *The Portrait of a Lady* is a climax toward which its author had worked for many years. James was not one of those born novelists, like Dickens or Jane Austen, who want to scribble fiction almost as soon as they can hold a pen. He was more like Cézanne, a man of strong ability but not spectacular natural gifts, who nonetheless recognized a special talent within himself and set doggedly about turning himself into a genius. That took time. The years of apparent idleness and dilettantish journalism in Paris and Italy did not look like an apprenticeship for writing masterpieces. Yet he knew what he was about: Novick watches him supporting himself with potboiling articles, trying his hand at minor pieces of fiction, all the while preparing himself for the moment when he would be ready to compose a great, deep and almost perfect work.

Novick is a good storyteller, and he has a good story to tell. James's life may seem fairly uneventful, but the supporting cast is starry, and the scenery is glamorous and varied. Even before he is fully adult, James has lived in Paris, Rome and Switzerland, as well as New York and Boston. When he returns to Paris as a grown man, he is befriended by Tur-

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genev and meets Flaubert, Zola, Daudet, Maupassant and Renan. In Rome he encounters Matthew Arnold. In England he seems to have been lionized even before he was a lion. Curiously enough, he turned down the chance to meet the greatest genius who came his way. While he was staying on the Bay of Naples, a friend offered to introduce him to Wagner, who had established himself nearby to work on *Parsifal*, but he declined the opportunity. He was not at all musical, Novick explains; but one would have thought that the novelist might at least have liked to inspect so extraordinary a specimen of the species.

James's biographers have the further luck that his own family was also unusually interesting, adding a depth of background to his story like the subordinate characters in a well-made novel. As it happens, the family's configuration was oddly similar to that of one of the most famous families in fiction. In *Pride and Prejudice*, there are five sisters. The second is the heroine, and the eldest the subsidiary heroine, with a history of her own. Then come two ordinary sisters, sketchily observed, followed by the youngest child, who is interesting and important to the story in a rather different style. Likewise the James family: Henry, the second son, is of course the hero of the tale, the one who has mattered most to posterity, but the eldest, William, is the most important secondary figure, with a high significance of his own. Then come the two "ordinary sons," Wilky and Bob, who live straightforward, manly lives, fight in the Civil War, and then turn into Caspar Goodwood. The youngest is Alice—fascinating, again, in a rather different way. She remains a pretty minor figure in Novick's book, but he makes the spiky relationship between William and Henry into a major theme.

The first half of James's life included the two most important decisions he ever made: to become a novelist and to settle in England. This second decision, in Novick's narrative, hits the reader as rather a surprise. After years of continental idyll—the elegance of Paris, the warmth of Italy, the splendor of Rome—we see him suddenly plunged into the grime, damp and yellow fog of a London winter—and apparently loving every minute of it. A part of the reason may be simple enough: the English-speaking world was still more or less a unity at this time, London was its metropolis, and James's was a metropolitan style. He wanted to be at the center, and that is where he went. But perhaps we can push the question a little further. "We young Americans," he had written some years before, "are (without cant) men of the future ... we can deal freely with forms of civilization not our own, can pick and choose and assimilate."

Why choose England? America itself would not do. Americans were admirable, but for a novelist the soil was too thin, society insufficiently complex in its development. Like Roderick Hudson, he was one of those spirits "with a deep relish for the element of accumulation in the human picture and for the infinite superpositions of history." In one of his earliest English stories, "The Passionate Pilgrim," the American hero climbs the Malvern hills and looks down upon "the complex English earth." The adjective is both physical and abstract: it speaks both of the outward appearance of village, field and hedgerow, and of the long history and elaborate social evolution that have made the visible scene. In any case, America was too provincial, too cut off. In *The Portrait of a Lady* and again in the last novel of all, *The Golden Bowl*, the characters whom the story is to punish are dispatched back to their native land. "I shall go to America," says Madame Merle at the end of a chapter, and we know that the tone is tragic. "To America?" Mrs. Touchett remarks later. "She must have done something very bad." In *The Golden Bowl*, James was subtler: we are left to infer for ourselves that Charlotte Stant's return to the United States, despite her marriage to a millionaire, is a sentence of indefinite exile.

James tried living in Paris, but his "assault" on the city (Novick's own word) was repulsed. In *The Portrait of a Lady*, Henrietta Stackpole stresses her eagerness to see British society from the inside. It was surely with a sense of irony that the massively built James gave this bustling, snappish little person, like himself a journalist reporting on European life, the feminine version of his own name, for he had the same ambition. In France he was welcomed into the literary milieu, but the world of politics, affairs and administration escaped him. Novick indicates that in London, by contrast, he got access to this world almost at once. James would only have half-agreed with his own Madame Merle that Americans in Europe were "mere parasites crawling over the surface," without feet in the soil. That might be true of Americans on the continent, but in England you could put roots down and knit your fibers into the subterranean texture of British life.

How thin, after all, his social existence seems to have been during his continental wanderings. One cannot help noticing, as one reads this biography, how solitary his life is in these unsettled years,

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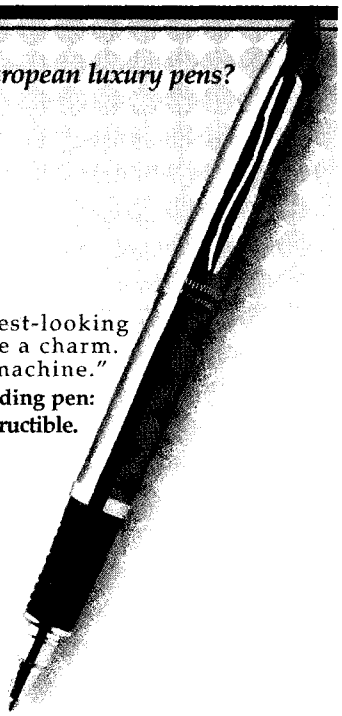

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how often he is alone, or with a single casual acquaintance for company. In London, however, his social being acquired a new density. He felt at home. "The weather is hideous," he wrote to a friend in sunny Italy almost as soon as he had settled in Mayfair, "the heavens being perpetually enstained with a crust of dirty fog-paste, like Thames mud in solution.... The dusky seriousness of London doesn't at all displease me ... indeed ... I rejoice in all things & find that I have the making of a good Londoner." It was the very commonplaceness of London that pleased him, the multiplied variety of ordinary life, the pulse, the energy. He was to slip into *The Portrait of a Lady* a scene in which Isabel Archer chooses to walk from Euston to Piccadilly through the "thick, brown air" of a November dusk, delighting in the "spectacle of human life ... the moving crowds, the hurrying cabs, the lighted shops, the flaring stalls, the dark, shining dampness of everything." It is, for James, an oddly Dickensian note.

Yet at the moment at which Novick ends his book, James is not yet perfectly an insider. Novick notes, as others have done, the weakness of the opening chapters of *The Portrait of a Lady*, and they are weak because he was still a little pixilated with another aspect of English life: the charm of its aristocracy. This was not an ignoble fondness. Like Isabel, his notion of the aristocratic life was "simply the union of great knowledge with great liberty"; like her, too, he could have said, "I like places in which things have happened—even if they're sad things. A great many people have died here; the place has been full of life." Still, in these first pages Gardencourt (a disastrously suburban name for an ancient house, by the way) is too perfectly the old English mansion, Lord Warburton is too perfectly the good aristocrat, and Ralph Touchett and his father are too perfect specimens of the Anglicized American.

It was to be some years more before James was ready to write with complete authority (and with a more acid view of British life) novels with an entirely English cast list, such as *What Maisie Knew* and *The Awkward Age*. In *The Portrait of a Lady*, the greatest marvels of subtlety and penetration lie in the analysis of Americans fully enmeshed in the European experience—the odious Gilbert Osmond and, of course, Isabel herself. Though the greater part of the story takes place in Italy, there is in effect no Italian character in it; James knew that he had not got into that society and could not represent it. On the other hand, the most unadulteratedly American character in the book, Caspar Goodwod, is easily the most weakly drawn one. Henrietta, who at first seems a rather obviously drawn "type," deepens through experience of the old world. When she returns to Florence, she makes for the Uffizi to see a Correggio Madonna, which she considers to be the best picture in the world. It is a brilliant touch; suddenly she acquires a third dimension. Why, we say, I should never have expected that Henrietta would have had a passion for Correggio, but now I realize it is just what she *would* have. With the partial exception of Lord Warburton (who himself becomes more interesting when he gets to Italy), she is the only major character in the book who is allowed a happy ending. Having failed to win a couple of American brides, he marries an Englishwoman; and she marries an Englishman. Henrietta admits that her fate is comic, but really it is Henry's little joke.

HENRY JAMES BY VINT LAWRENCE FOR THE NEW REPUBLIC

Novick's account gives one a profound respect for James's persistence and power of will. So smooth and polished is the face which the Master presents to the world that it is easy to underestimate the effort that went into making it. Not only did he have to establish himself in a new country, he also had to acquire his culture by his own exertions. In some ways, his childhood, spent in several countries, seems sophisticated and cosmopolitan; but, pushed as he was in and out of one more or less unsatisfactory school after another, he was almost uneducated. Even at Harvard he was essentially an autodidact. He was supposed to be studying law, but in reality he was reading his way through French novels. It is striking to learn how unintellectual were some of his early models in fiction: the lurid *Tolla* by Edmond About, and the now forgotten sensation novels by Mary Braddon. Their influence can perhaps be seen in the melodramatic climaxes that vitiate some of his early works: Roderick Hudson and Daisy Miller are among the better known victims, killed by nothing much more than James's need to bring the story to a suitably resonant conclusion. But the plot of *Tolla*—arranged marriages and cruel intrigue by mysterious cosmopolitans in an Italian setting—seems to find an echo in *The Portrait of a Lady*, and perhaps the influence lingers on even into the last masterpieces, where in places a counterpoint between the extreme subtlety of the analysis and the cruelty which the convoluted language both veils and reveals becomes a significant element of the effect.

James's lack of a conventional education, and particularly of a classical education, was a problem when he came to depict the brilliant and high-born of Europe, for his mind was not furnished with

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the rich old books that their schooling had bequeathed them. George Eliot was faced with the same difficulty. Barred by her sex and humble birth from what she once called "the Eleusinian mysteries of a university education," she had with extraordinary discipline and intellectual vigor learned Greek and steeped her spirit in Homer and Sophocles. But the exertion showed; when she portrayed well-read gentlemen, she was always a little too ready to display how much she knew. Jane Austen—surely the cleverest of them all—was somehow able to depict serious, intelligent conversation between men and women (a pretty uncommon thing in fiction) apparently without effort. James did not possess that ease. As we have seen, he was not musical. He tried his hand at a little art criticism, but his judgments have not worn well. (It has mischievously been suggested that the imaginary house which supplies the title for his short novel *The Spoils of Poynton*, a symbol of the pursuit of art and beauty, would in reality have been perfectly hideous.) And he did not know the classics. He was always inclined to tell us how great and brilliant his characters were, a bad habit that, if anything, got worse as he got older, and there is sometimes a certain hollowness in this: one finds oneself wondering what these clever people are so beautifully clever *at*. If there is a weakness here, though, in the larger view it should enhance our sense of his achievement. No novelist seems more assured in his cultivation than James. Given his upbringing, it is a tremendous performance.

Novick is a fine performer himself. His book is beautifully written, with a grace that enables him to weave his subject's words in and out of his own with a properly Jamesian suavity. It is a study of the life rather than the works, which he draws on extensively but not so much for themselves as for the light they may shed on the man who wrote them. Wisely, he does not seek to explain the causes of James's creativity—these must remain a mystery—but he does believe that he can enter into the man's experience. "There is a sensibility, almost a separate sense," he argues, "that one may use to understand the subjective existence of another person. We use this sensibility to understand almost without speech people we care for, and so writing a life is a little like falling in love." This may seem to license a great deal of subjectivity in the writer (and love is notoriously blind). And the risk of arbitrariness is increased by the use of the fiction to elucidate the life. Clearly James did put much of his own experience into the work, but that experience

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Those "West Bank" Settlements

Are they *really* the "greatest obstacle to peace?"

In the context of the negotiations between Israel and the Palestinians that have now been going on for almost three years, it is often asserted that the Israeli towns and villages (usually and with some derogation referred to as "settlements") in Judea/Samaria (the "West Bank") are possibly the most serious obstacle to peace. That has been and is being repeated so often that many have come to accept it as truth.

What are the facts?

A recap of history. Some thumbnail history may be in order. Large numbers of Jews have been living in these territories since biblical times. Most of the Arabs living there are in fact relative newcomers. "Palestine" is the entire area now covered by Israel including Judea/Samaria (the so-called "West Bank") and what is now the Kingdom of Jordan. It originally also included the Golan Heights, which later, in an agreement between England and France, were ceded to France, and to Syria as the successor in possession. In 1922, contrary to the Mandate of the League of Nations, the British severed the entire area east of the Jordan and gave it to the Hashemite Arabs for their assistance in World War I. Thus, fully 75% of Palestine, all of which under the Mandate and under the terms of the Balfour Declaration was meant to be a home for the Jewish people, was lost for that purpose. Only the area west of the Jordan River was left for the Jewish settlement.

"Why should the Arab countries and the 'West Bank' be the only places in the world where Jews are not allowed to live?"

How the West Bank became "Arab country." In 1947, after decades of strife between Arabs and Jews, the British decided to relinquish the Mandate. The UN stepped in and proposed a partition plan under which the country (west of the River) was to be divided into respective Arab and Jewish areas. Jerusalem was to be internationalized. The Jews accepted the plan; the Arabs refused it out of hand. In 1948, on the twice truncated territory allotted to them by the U.N., the Jews declared their independence and the state of Israel was born. On the same day, six Arab armies invaded the new-born state. In what can be described as an almost biblical miracle, the Jews defeated them. When an armistice was finally secured, however, TransJordan remained in possession of Judea/Samaria (the "West Bank") and the eastern part of Jerusalem; Egypt remained in possession of the Gaza Strip. TransJordan renamed itself Jordan.

The Six-Day War. Once in possession of the "West Bank" and East Jerusalem, the Jordanians promptly proceeded to expel all Jews and systematically to desecrate and to destroy most Jewish sacred places, cemeteries and houses of worship. No Jews, regardless of citizenship were allowed into the "West Bank" or East Jerusalem, the locale of the Western Wall, the holiest site in Judaism. In 1967, Egyptian president Abdel Nasser, joined by the same array of Arab armies that had unsuccessfully tried to destroy Israel at its birth in 1948, launched another war against Israel "to drive the Jews into the sea" and into oblivion, once and for all. But the Israelis utterly defeated the combined Arab might in the Six-Day War, one of the greatest military victories in history. When the dust of war settled, the Israelis had not only retained their national territory, but had repossessed the territories of Judea/Sumaria (the "West Bank"), the eastern part of Jerusalem, the Gaza Strip, the Golan Heights and had totally occupied Egypt's vast Sinai Peninsula.

It is clear from this abbreviated history that the Israeli claim to the "West Bank" is far stronger than that of the Arabs. About 200,000 Jews now live there. And why shouldn't they? Why should the Arab countries and the "West Bank" be the only places in the whole wide world where Jews are not allowed to live? How can 200,000 Jews living among one million Arabs be the "greatest threat to peace"? Why should anybody be concerned about a new settlement of a few mobile homes on some barren Judean hills as the "greatest threat to peace," when we seem to be oblivious and totally unconcerned about the unrelenting hostility of the Arab countries, the de facto incorporation of Lebanon by Syria, the Scuds and the chemical weapons still remaining in Iraq, and the relentless and ominous build-up of Syria's missile forces?

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was always transmuted in the process, and it is in any case difficult to draw the line between transmuted experience and free invention.

Novick is well aware of the pitfalls, since he maintains that earlier scholars have fallen into one. He suggests that "the single most famous incident in the received version of Henry James's life"—derived from Leon Edel's famous biography—"seems never to have occurred." Edel narrated an episode in which James went to visit his cousin Minny Temple, with whom, in this account, he was in love, in the company of two contemporaries who had fought in the Civil War. The three competed for her attention, and she preferred the manly warriors to the noncombatant; and James withdrew into an angry and frustrated passivity. He made an incident almost exactly like this into a short story called "Poor Richard." Edel claimed that in the story he was reliving his own experience; Novick argues effectively that the event cannot have happened. The warning is plain: it is fatally easy for speculation to harden into certainty, and for certainty to become canonical.

One can spot a few small slips in Novick's book, none of them important. It is bad luck that the first mistake comes on the second page of the preface, where he confuses *Through the Looking Glass* with *Alice in Wonderland*—what the tennis commentators call an unforced error. That should not trouble us much; on the whole, he seems a tactful and persuasive interpreter. The text flows onward with unruffled ease, but eighty pages of endnotes reveal the careful scholarship that lies below the surface.

Sometimes Novick's fancy carries him too far, as with his engaging but unpersuasive claim that James put himself into *The Portrait of a Lady* in the shape of Madame Merle: it is, he suggests, James's "greatest impersonation." But others can play the game of spot-the-author-in-the-novel: we have seen that Henrietta Stackpole is the figure who shares James's profession and situation, while the character whose speech most resembles his own ironic and richly metaphorical idiolect is none other than Gilbert Osmond. (In late James everyone talks like that, but in this book it is Osmond's distinctive trait.) The moral is that the extraction of biography from fiction has to be a matter of judgment. Happily, Novick's judgment is generally good.

Unsurprisingly, Novick's account of James's sexual life has attracted a lot of attention, not so much for what he says about James's orientation, which, as he observes, "has been an open secret for a hundred years," but because of his quarrel with Edel's interpretation of the man. He considers that Edel portrays James as a wounded spirit, a passive figure, a spectator rather than a player in the great game of life, and suggests that Edel was influenced by "a rather old-fashioned, Freudian view of 'homosexuality' as a kind of failure." One might perhaps retort that Novick is in turn in thrall to the prejudice of his own age—to the assumption that it is a kind of failure not to have an active sex life.

Novick's particular claim is that James had a sexual initiation in 1865, and that the other man was Oliver Wendell Holmes. For those concerned with James the identity of the partner is no great matter; the important question is whether the initiation took place at all. The evidence is in a late notebook, and the crucial passage is this:

> How can I speak of Cambridge at all.... The point for me (for fatal, for impossible, expansion) is that I knew there, *had* there, in the ghostly old C. that I sit and write of here by the strange Pacific on the other side of the continent, *l'initiation première* (the divine, the unique), there and in Ashburton Place.... Ah, the "epoch-making" weeks of the spring of 1865!

"This passage," Novick adds, "seems impossible to misunderstand"—a comment which mirrors James himself in being both clear and opaque. For a moment we seem to be in one of those late novels in which the characters' language is so oblique, their sensibility so refined, that one almost wonders if they can themselves work out whether they are committing adultery.

For now, we had better speak a touch more coarsely than Novick's Jamesian delicacy will permit him. Though his claim has been disputed, he is surely right to imply that James here is talking about a sexual experience: a divine and unique first initiation can hardly be anything else. He takes "for fatal, for impossible, expansion" to mean "it would be fatal and impossible to expand on this topic." It is doubtful whether English grammar can permit the words to mean that, but again it seems equally clear that this is the meaning which James intends. (Really, the Master could sometimes use language very badly in his later years.) This still leaves a wide space for uncertainty: an organism as sensitive as Henry James could have vibrated to a touch that was in physical terms very slight—the movement of a hand or mouth—perhaps, but only perhaps, much more.

Does it matter much? Probably yes, because if we suppose James sexually active and in love at this early date, we are left with a puzzle (which Novick seems hardly to notice): What became of

Part Speech

When she speaks to you with my pen in her hand,
her *I* has one ear and half a mouth
as if she were leaning into a phone,
as if she *were* speaking,
as if she were
as if

like me, she had been
still as a crescent moon
receiver filled
with a faint whole self,
reflection of a larger self,
twice-reflected sun.

Unearthed,
her sense of spinning, deaf
and dark, is part loss, part doubt
of ear, of voice, rendered part speech
like a foreigner's long-distance call bereft
of gesture. Nevertheless,

she keeps
pieces of body
and soul—not together
but far-flung about
her. That's how she keeps one eye
where yours are. And how always, she keeps one eye out.

Muriel Nelson

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his appetites? In the next years he appears self-sufficient and independent, like the cat who walked by himself. Novick suggests that his next love was Pavel Zhukovsky, a Russian whom he met in France. If James was in pursuit of him, however, it seems to have been a strangely languid and fitful business; one has the impression, rather, of a friendship which did not get beyond an *amitié amoureuse.* If Novick gives us a second volume, he may be able to shed more light on this problem, but for the time being this sphinx keeps much of its secret.

Novick wants to stress James's zest, his openness to the possibility of joy: "His single endlessly repeated message was 'Live!'" True enough; but what is the moral? In a famous scene in *The Ambassadors,* Lambert Strether urges Little Bilham to go out and grab life, but the advice is poignant because it is given by one who knows that he has missed his own chance. It can hardly be denied that the detached or disappointed figure, watching the lives of others, is recurrent in James's work—Winterbourne in *Daisy Miller,* Rowland Mallet (whom Novick compares to James) in *Roderick Hudson.* Are such figures a reflection of their author? We are back with the old problem: the difficulty of distinguishing experience and invention in art.

Where Novick is surely right is in insisting that James was a strong man—disciplined, energetic, with deep resources inside himself. He was a powerful personality, too, and in his later years especially, he drew people to him with the force of a magnetic attraction. That magnetism of personality can still be felt in his fiction. When one puts down one of his later novels, one can feel as though trying to shake off the spell of Klingsor's magic garden: no, one protests, this hothouse of overdeveloped sensibilities is a distorted idea of human life. But then one picks up the book again, and the magic takes hold once more.

RICHARD JENKYNS is the author of *Dignity and Decadence: Victorian Art and the Classical Inheritance* (Harvard University Press).

TRB *continued from page 6*

of the assault in Tiananmen Square. Three years later, Li scorned his American critics: "It is neither appropriate nor workable to demand that all countries measure up to the human rights criteria or models of one of a small number of countries."

Li has a gift for remorselessness. He has gone out of his way not merely to trounce human rights and crush democracy, but to do so in a way calculated to insult and to taunt the U.S. government. He is convinced, not without reason, that Washington will never do anything more than imprecate. Trade, he is sure, certainly will never become an instrument of American pressure.

When Clinton and Gore were running against George Bush in 1992, Li must have had a few moments when he wondered if he had a problem. Candidate Clinton swore that he would, as president, revoke trading rights with China as "long as they're locking people up." And at first it looked like the new president actually meant it. Four months later, Clinton signed an order giving China a year to "significantly improve" its human rights record, or lose its trading status as a Most Favored Nation. But American business complained mightily, and the administration began backing off.

In March 1994, Beijing tried a test-insult. Assistant Secretary of State for Human Rights John Shattuck, accompanying Secretary of State Warren Christopher on the Clinton administration's first high-level trip to China, had met a prominent Chinese democratic dissident, Wei Jingsheng, in a Beijing hotel. Li Peng responded by ordering a mass roundup and imprisonment of democracy activists and human rights dissidents while Christopher was still in the country. What would America do?

Two months later, on May 26, 1994, Clinton announced that his administration would no longer link MFN status to human rights issues. "[L]et me ask you the same question that I have asked myself," the president said. "Will we do more to advance the cause of human rights if China is isolated?" Li promptly answered Clinton by ordering up a round of fresh arrests.

But Li's handling of Gore must surely be ranked as his finest sneer. Gore had gone to some trouble to avoid intimate public moments with the Chinese bosses. It is a little awkward, after all, to find yourself glad-handing "aging rulers with undisguised contempt for democracy [and] human rights" at the very moment when your administration stands accused of selling out its policy toward those same contemptuous geezers. Gore had mostly succeeded at his dodge. Then, at the apex of the trip, as Li and Gore prepared to autograph $2 billion worth of trade deals, Li delivered a little lecture. He instructed Gore that the United States "should play a more positive role in international affairs." The point was entirely scrutable: Stifle it. We will do what we want. You know, and we know, that all you care about is the money. And out popped the bubbly. Right in front of the reporters! What's a veep to do?

MICHAEL KELLY

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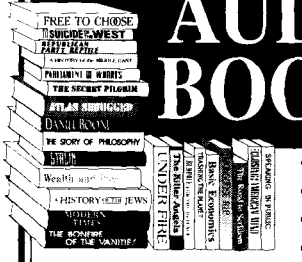

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WASHINGTON DIARIST

Hit and miss

HERE'S A CONFESSION: I LIKE JOHN Major. I left Britain long before his unlikely rise to prominence, but it takes a little distance to see that he's been one of the best British prime ministers of the century. Forget his bland, unblinking, chinless style. Forget, if you can, the humiliating spectacle of the leader of a great country being forced to spend large amounts of his time discussing deranged cows. Forget all these things, and look at his record. For six years now, Britain has grown faster—almost twice as fast—as its major European competitors. Unemployment, at 6.2 percent, is roughly half the problem it is in France, Germany or Italy. Inflation—the real postwar British bugbear—is at a paltry 2.7 percent, consistently lower than it ever was under Thatcher, and more stable than at any time since World War II. The boom-bust cycle of British economic dysfunction has finally been eradicated, thanks to Major's calm disinflationary policies. Any visitor to Britain will see the difference today. The wealth of the '80s had a patchy, temporary feel to it; the '90s have seen the derelict gaps in British prosperity filled in, a broadening of the bourgeois comfort that you now see not just in central London, but in the small suburbs and towns where I grew up.

MAJOR HAS ALSO MADE THATCHERism irreversible, an achievement the Iron Lady could never have managed herself. She was too divisive, caustic and imperious to convince Britons across the political divide of the justness of her reforms. She could only impose acquiescence. Major has quietly done the politically harder thing—so entrench the market economy that even the Labour Party now embraces it. His reforms were the difficult ones—gut-wrenching competition in the national health service, privatization of British Rail, genuine national standards in high schools, a near doubling of the enrollment in higher education (the real death knell to the class war), even an honest attempt to tackle entitlements by proposing to privatize national pensions. He is thanked for none of this, because much of it is by its nature thankless, and the dividends will not be felt for another generation. But that only means that history will be far kinder to him than will the next six weeks.

ON EUROPE, TOO, IT SEEMS TO ME that Major has been underrated. His policy of neither-in-nor-out might infuriate the purists in his party, but I fail to see what else he could have done. He's right to resist a rigid, federal Europe, but he's also right not to abandon Britain's role in shaping Europe's future. Even on Ireland, where the prime minister's mollification of the IRA came to a predictably doomed conclusion, he did us all a favor. His "peace-process" finally proved, even to Washington, that the IRA is not a genuine political party, but a terrorist mafia for whom murder is an end, not a means. In all this, he is, I think, a Stanley Baldwin figure, a repository of quiet English virtues, destined to liberalize Britain more thoroughly than his predecessor could have ever done. In time, I think, rather than being seen as Thatcher's lackluster successor, he'll be viewed as her essential complement. The real radical is not always the person who creates change, but the one who cements it.

ONE OF THE JOYS OF NOT EDITING a weekly political magazine is that I can be as bored by Washington's political scandals as everyone else is. And, unlike Johnny Apple, I don't feel the need to visit Ohio to figure out why. The few, big things that Bill Clinton has done to change this country—deficit reduction, welfare reform—have absolutely nothing to do with the current Beltway obsession, and so the public's signal lack of interest is, to my mind, more a sign of their mental health than their abdication of citizenship. But the emergence of scandal as the primary language of modern politics is another thing entirely. The great sociologist Daniel Bell put his finger on it (as he so often has) in a largely unnoticed article in TNR a few years ago (see "The Old War," August 23 & 30, 1993). Bell's contention was that, after ideology, the real schism in Western politics was not left-right, but clean-corrupt: "The bipolar world dominated by the Communist-capitalist dichotomy has been replaced with a politically unitary one, divided between the corrupt and the clean."

BELL POINTED TO JAPAN, ITALY and India as polities whose postwar politics became wrapped almost exclusively around this new post-ideological axis. It's clear now that Russia is in exactly the same boat. Even Bell's counter-example, Britain, has subsequently become mired in one "sleaze" inquiry after another. But it took the entrenchment of a truly post-ideological presidency (Bill Clinton after 1993) to bring the phenomenon home to America. Clinton's brilliant erasure of the right-left distinction only made his scandal problem worse. How else were his enemies going to bring him down? But the phenomenon was double-edged, hence poor Gingrich. Newt kept thinking the public was divided on a right-left axis, which is why he tried to use his conservative credentials to support him in his hour of need. He failed, because he didn't understand the new era he's in. Clinton doesn't get it, either. He is befuddled as to why his peccadilloes should create such uproar, but, in an era when idea-driven politics is dead, scandal inevitably fills the vacuum. It's the only remaining means for the outs to destroy the ins. Unfortunately, it's a lot less interesting than the cold war.

EVERY NOW AND AGAIN IN THE culture wars, something happens that deliciously skewers the hypocrisy of both sides. One such moment, of course, was the belatedly revealed, horrifying truth of partial birth abortion. But an even more exquisite turn of events occurred recently in Colorado, where the anti-affirmative action movement joined forces with the fundamentalist right to sponsor a Colorado version of California Civil Rights Initiative. To their horror, however, the fundies realized as the bill made its way through committee that any absolute ban on government discrimination in favor of—or against—minorities might mandate ... same-sex marriage! If, after all, the state should have no role in preferring one group over another, what justification could it have for discriminating in favor of heterosexuals? Or, as the Hawaii case suggests, how could it justify discriminating on the basis of gender when it comes to one of the partners in a marriage license? There are only two principled ways to resolve this dilemma. The first is to concede that government discrimination can be a good thing—and support it for affirmative action and exclusively heterosexual marriage. Or to ban it entirely, which would mean race-neutral government and equal access to marriage. It says something about the state of principled liberalism in this country that you can count on the fingers of one hand the people in favor of the latter.

ANDREW SULLIVAN

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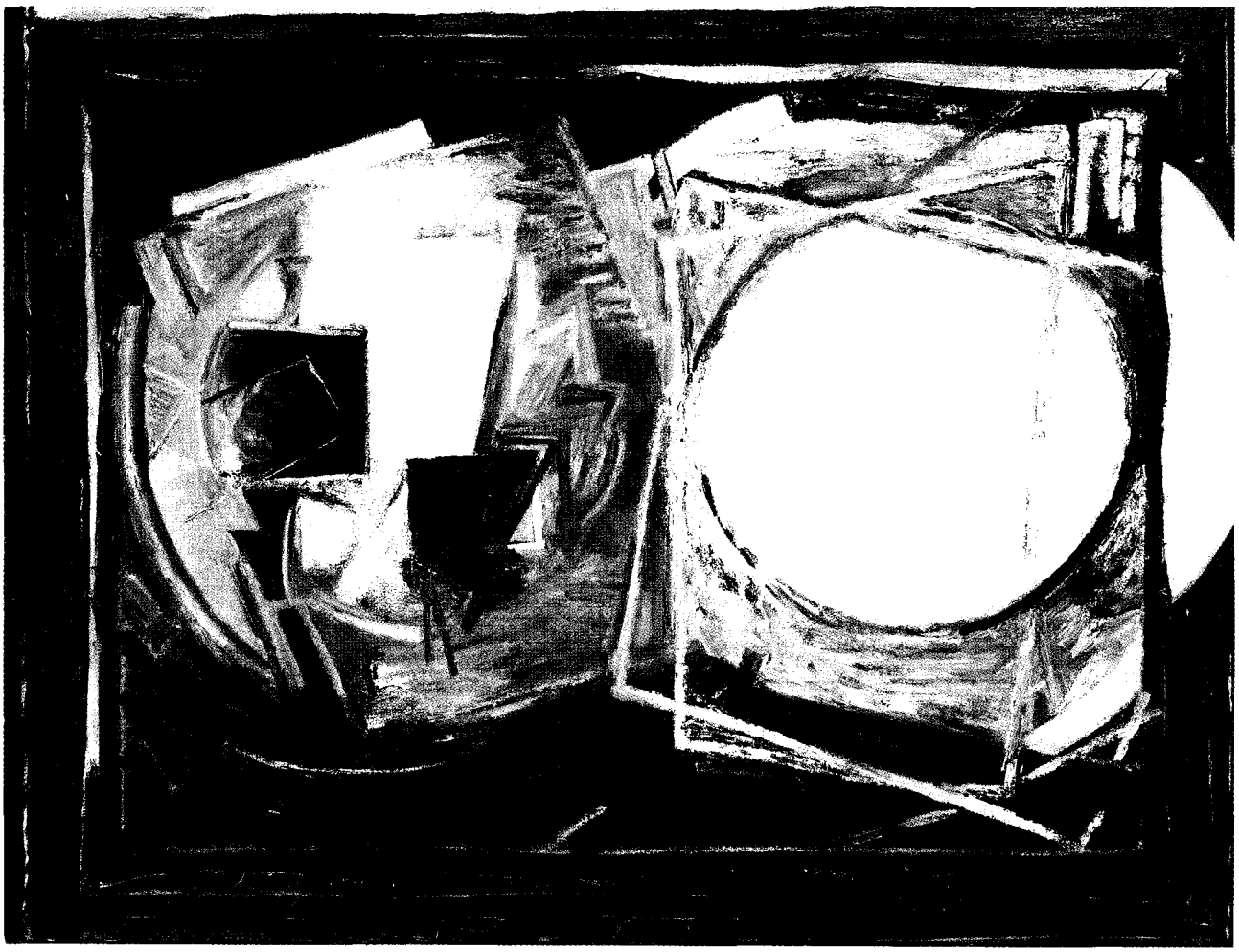

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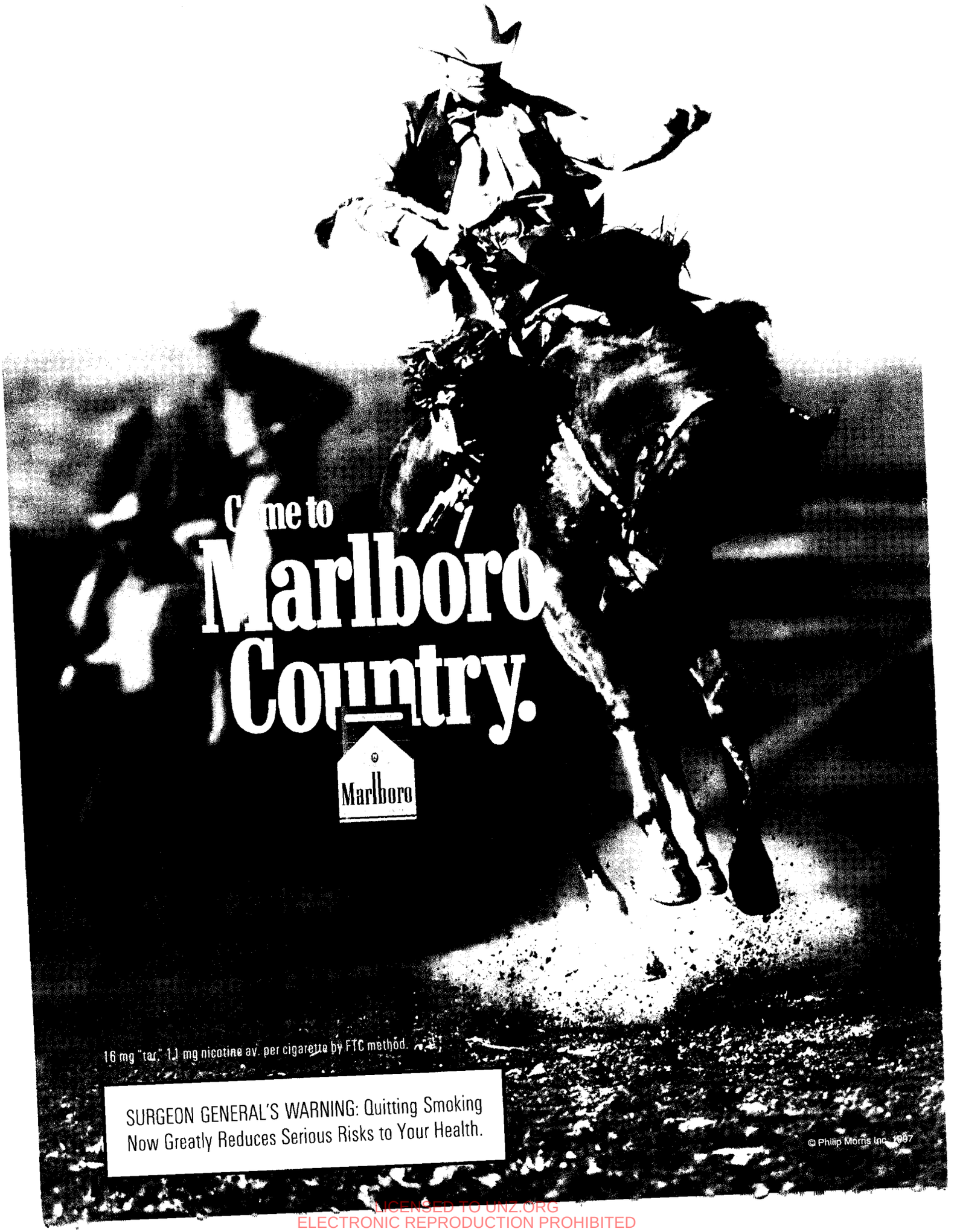
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